

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A43-04097**
Date Received: 3/20/1997
Receipt No: S019943
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: REID S STEWART 801-753-2027
Address: 1655 SUNSET DR
LOGAN UT UT 84321
AND/OR
Name: RUTH O STEWART 801-753-2027
Address: 1655 SUNSET DR
LOGAN UT 84321
2. Date of Priority: OCT 11, 1930
3. Source: RAFT RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15S | 26E | 23 | SE | SE | | | CASSIA |
| | | 26 | NW | NE | | | CASSIA |
5. Description of diverting works:
DAM, HEADGATE, PUMPS, SUMPS, DITCHES, PIPELINES TO PLACE OF USE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/01 | 11/30 | 4.000 | | |
| STOCKWATER | 09/20 | 06/06 | 0.080 | | |
7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 432.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER FOR 250 COW/CALF PAIRS

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	23	SE		SE		IRR	29.0
			SE		SE		STOCK	
							Section Acres	29.0
		24	NW		SW		IRR	37.0
			NW		SW		STOCK	
			SW		SW		IRR	38.0
			SW		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
							Section Acres	115.0
							Total Acres	144.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

HISTORICALLY WATERS HAVE BEEN DIVERTED AT DIFFERENT POINTS ALONG THE RAFT RIVER FROM THE NWNE OF SEC. 26 TO THE SESE OF SEC 23, DEPENDING ON THE FLOW OF THE RIVER AND CHANGES IN CHANNEL PROPERTIES.

15. Basis of Claim: STATUTORY CLAIM

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number A43-04097Date Received 3/20/97Receipt Number 5019743

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

43-4097

Please type or print clearly1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027Mailing Address 1655 Sunset Drive, Logan, Utah Zip 843212. Date of Priority (Only one (1) per claim) 10/11/303. Source of water supply (a) Raft River
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 15S Range 26E Section 23,
1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of CassiaAdditional points of diversion if any: also NW NE, Section 26, T15S, R26E

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Dam, headgate, pumps, sumps, ditches, and pipelines to place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-1 to 11-30 amount 4.0 or _____

For Stockwatering purposes from 9-20 to 6-6 amount 1.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) 3-20-97 (acre feet)

8. Total consumptive use claimed is 432 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwatering (250 head Mother cows + their calves)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	26E	23																29	29
15S	26E	24										37	38	40					115

Total number of acres irrigated 144

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-0046, 43-2327, and 43-2461 or None ()

14. Remarks:
Historically, waters have been diverted at different points along the
Raft River from the NW NE of Section 26 to the SE SE of Section 23,
depending on the flow of the river and changes in channel properties.

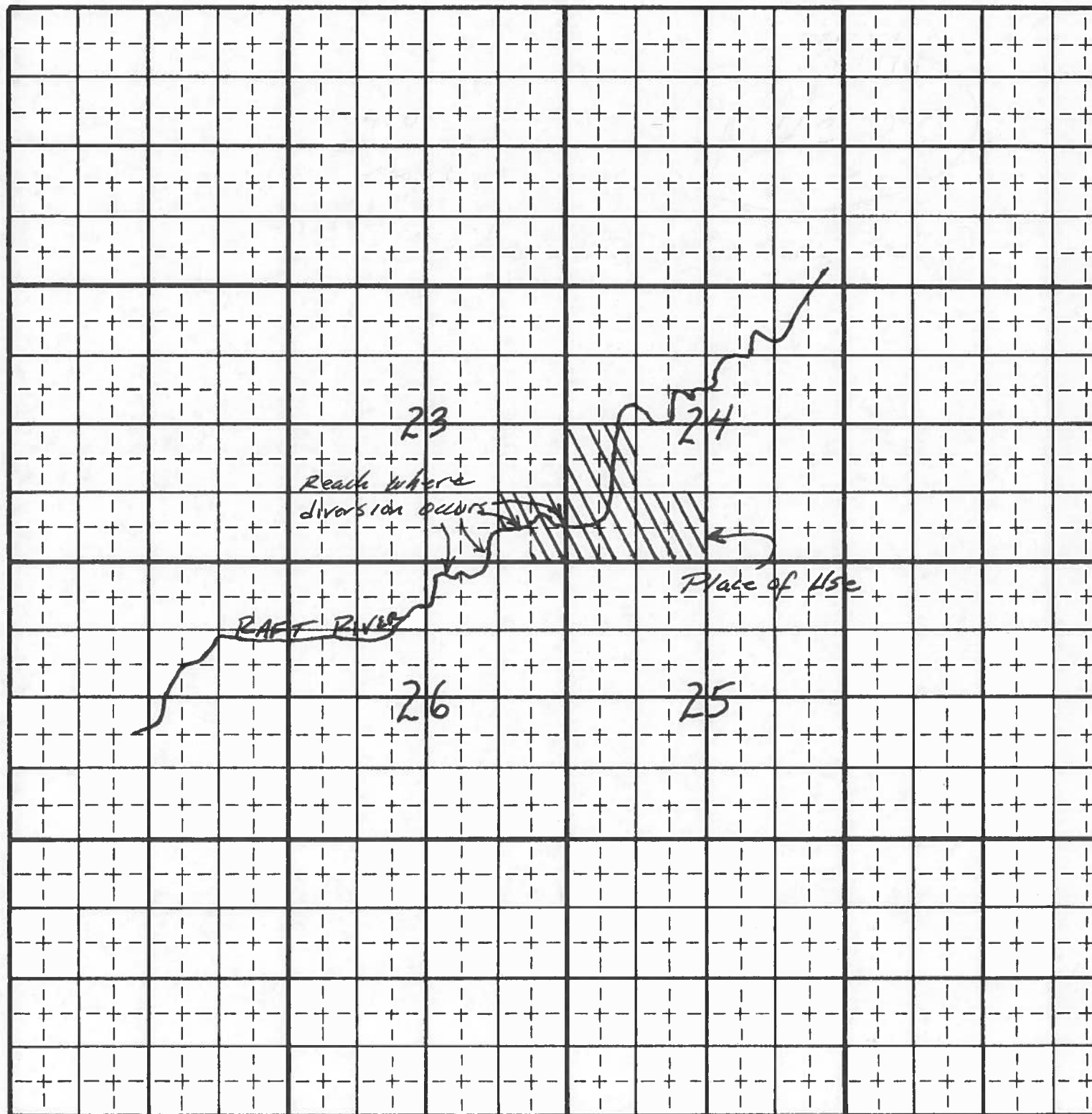
Last Name Stewart Ident No. 43-4097

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T15S, R26E



Last Name Stewart

Ident No. 43-4097

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 43-4097
Court US Jud. Dist. ID Case Number _____ Decree Date _____
Plaintiff vs Defendant Albion ID. Land Co. vs. Jobe Adams Et Al.

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Ruth O. Stewart
Ruth O. Stewart

Date 3-2-97

Date 3-2-97

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day of March 19 97

SEAL

Notary Public Douglas Jones

Residing at Buhl, ID

My Commission Expires 8/8/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Stewart Ident. Number 43-4097

Copies White-State, Yellow-Claimant

#15
Reid S.

5-627 NHEL

CRP
59.400

6-775 NHEL

3-430 NHEL

19-19.9

2-30.4

1-27.0

1-23.1

0-18.0

23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

CRP
59.400
NHEL

SCHEMATIC

RECORD NOT FOUND
SD-0601-1

Idaho Department of Water Resources
File Inventory Query by Water Right Number

Date: 11/14/9'
Time: 08:55:4'

BC

BCQ1

Water Right Number: A43-04097__

(Enter=Cont)

(GOLD8=Exit)

(Menu _____)

RECEIVED

MAR 26 1997

Date Received

3/20/97

RECEIVED

MAR 24 1997

Department of Water Resources

COPY

State of Idaho
Department of Water Resources
South
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant Reid S. for Ruth O. Stewart (801) 753-2027
Phone Number

Mailing Address 1655 Sunset Dr City Logan State UT Zip 84321

County(s) where place of use is located Cassia Co. Date claim originally due 6/8/89; 3/12/93

Identify water right(s) for which extension is requested 43-00046 43-04097

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

I did not own the property at the filing should
have been done

Claimant requests an extension to 5/1/97, 19 97
Signature Ruth O. Stewart Date of request 3-20, 19 97

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 1, 1997, 19 97

Signed this 24th day of March, 19 97

Dania R. Tuttle
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
)
) Water Right 43-04097

NAME AND ADDRESS: REID S STEWART
RUTH O STEWART
1655 SUNSET DR
LOGAN, UT 84321

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 10/11/1930

POINT OF DIVERSION: T15S R26E S23 SWSESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	09-20 TO 06-06	0.08 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T15S R26E S23	SESE	
	S24	NWSW	
		SESW	SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4097 V1

WATER RIGHT NUMBER: 43-4097 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RUTH O STEWART 3014 N 1600 E NORTH LOGAN, UT 84341 (435)753-2027
Original Owner	BARBARA DARRINGTON ALMO, ID 83311
Current Owner	REID S STEWART 3014 N 1600 E NORTH LOGAN, UT 84341 (435)753-2027
Original Owner	IVAN DARRINGTON PO BOX 136 ALMO, ID 83312 (208)824-5511

Priority Date: 10/11/1930

Basis: Beneficial Use

Status: Active

Source

RAFT RIVER

Tributary

SNAKE RIVER

Beneficial Use

STOCKWATER

From To

09/20 to 06/06

Diversion Rate

0.080 CFS

Annual VolumeTotal Diversion: 4.000 CFS

0.08 CFS

Location of Point(s) of Diversion

RAFT RIVER

SW1/4SE1/4SE1/4

Sec. 23, Twp 15S, Rge 26E, B.M.

CASSIA County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	26E	23																X	
15S	26E	24									X	X	X						

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-4097 V1

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

Comments:

1. vhancock 2/13/2001 USE

Comment: WINTER IRRIGATION USE NOT RECOGNIZED AS BENEFICIAL USE. CLAIM RECOMMENDED FOR STOCKWATER, ONLY.

Water Supply Bank:

SRBA

SUBCASE SUMMARY REPORT 43-04097

[Return to SRBA Home Page](#)

SRBA
05-17-2005

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-04097 FILE#: 00000
CLAIMANT: STEWART, RUTH O
1655 SUNSET DR

LOGAN UT 84321
STATUS: PD ISSUED SPECIAL MASTER:
WATER SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

RUTH O STEWART C PRO SE
REID S STEWART C PRO SE

****** ROA ENTRIES ******

06-28-2002 PARTIAL DECREE FILED

06-28-2002

[Return to SRBA Home Page](#)

02/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4097

NAME AND ADDRESS: RUTH O STEWART
REID S STEWART
1655 SUNSET DR
LOGAN, UT 84321

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 10/11/1930

POINT OF DIVERSION: T15S R26E S23

SWSESE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
09-20 06-06

QUANTITY
0.08 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County
T15S R26E S23 SESE
T15S R26E S24 SWSW

T15S R26E S24
T15S R26E S24

NWSW
SESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT
A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

AJ5809NP
No. A43-06097

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/31/00
PAGE: 1
claim will see claim 1980

OWNER
CODE NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C REID S STEWART
1655 SUNSET DR
LOGAN UT 84321
(801) 753-2027

10/11/1930

IRRIGATION
STOCKWATER

03-01 11-30
09-29-06-06

4.000 CFS
0.080 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

4.000 CFS

432.00 AFA

C RUTH O STEWART
1655 SUNSET DR
LOGAN UT 84321
(801) 753-2027

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T15S R26E S23
S26

SESE
NENE

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	NE NE NENE SENE	NE NW NENE SENE	NE SW NENE SENE	NE SE NENE SENE	SUM
15S 26E 23	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	29
15S 26E 24			37 38 40		115.0
					144.0
					TOTAL ACRES

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE	
T R S	NE NE NENE SENE	NE NW NENE SENE	NE SW NENE SENE	NE SE NENE SENE	SUM
15S 26E 23	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	LT AC LT AC LT AC LT AC	
15S 26E 24			S S S		S

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER FOR 250 COW/CALF PAIRS

Remarks: GEN HISTORICALLY WATERS HAVE BEEN DIVERTED AT DIFFERENT POINTS ALONG THE RAFT RIVER FROM THE MINE OF SEC 26 TO THE SESE OF SEC 23, DEPENDING ON THE FLOW OF THE RIVER AND CHANGES IN CHANNEL PROPERTIES.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

*Winter season not
being used as
a beneficial
use. Delete
from record.*

*see
stockwater*

Water Right Number - 43-04097

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
DARRINGTON
Last Name - Ivan
First Name - Ivan
Address -
City- ALMO
State- ID Zip- 83311
Phone -
City- ALMO
State- ID Zip- 83311
Phone -

DARRINGTON

BARBARA

Priority Date - 10/11/1930
Region - 17 SOUTHERN
Stage - S - STATUTORY CLAIM
Tributary -
Status -

Source - RAFT RIVER
Point of Diversion -
Diversion Name -
Diversion Rate -
Diversion No. -

Twn Rng Sec Tract Lot Rflg County
15S 26E 23 SE SE (31) CASSIA
Diversion Name -
Diversion Rate -
Diversion No. -

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 10/10 05/07 4.000
04 - STOCKWATER 09/20 06/06 4.400

Total Div. Rate - 8.400
Total Div. Volume -
Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E	23	SE SE		40.0	01 IRRIGATION		(31) CASSIA	
15S	26E	24	NW SW		40.0	01 IRRIGATION		(31) CASSIA	
15S	26E	24	SW SW		40.0	01 IRRIGATION		(31) CASSIA	
15S	26E	24	SE SW		40.0	01 IRRIGATION		(31) CASSIA	

Total Acres: 160.0

- - - Diversion Means -
- - - Non-Irrigation Use -
- - - Other Rights for Same Use -
Remarks -
No Remarks found.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID S STEWART C RUTH O STEWART 1655 SUNSET DR LOGAN UT 84321 (801) 753-2027	04/30/1884	IRRIGATION	03-15 11-15	2.000 CFS	
					TOTAL DIVERSION:	2.000 CFS
					CONSUMPTIVE USE:	432.00 AFA

Water Source: RAFT RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T15S R26E S23 SESE CASSIA County
S26 N4NE CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
15S 26E 23	:	:	:	:	: 29.0
15S 26E 24	:	:	: 37	: 38	: 40
					: 115.0
					: 144.0
					: TOTAL ACRES

POU County: CASSIA

Other Rights: 43-04097, 43-02327, 43-02461

Remarks: GEN HISTORICALLY, WATERS HAVE BEEN DIVERTED AT DIFFERENT POINTS ALONG
THE RAFT RIVER FROM N4NE SEC 26 TO THE SESE SEC 23, DEPENDING ON
THE FLOW OF THE RIVER AND CHANGES IN CHANNEL PROPERTIES.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 43B Field Inspection Flag: Presumption Flag:

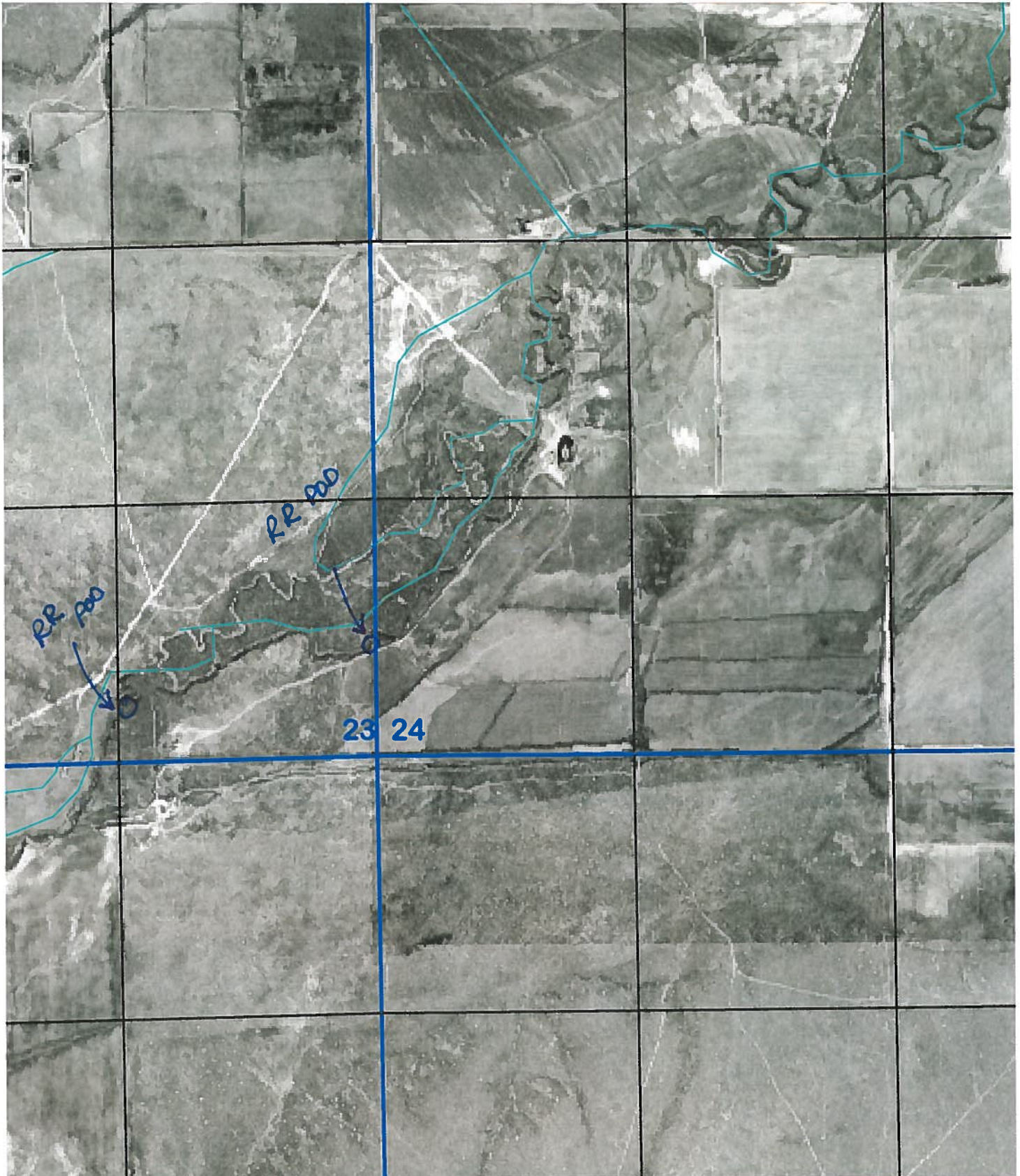
Stage: DECREED

04/30/1884

FILE NOTES

CLAIM NO(S): 43-00046

TWP 15S RNG 26E
SEC 23, 24



V. HANCOCK

1962 AERIAL PHOTOGRAPHY

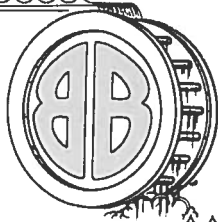
NOTE TO FILE

From: Vikie Hancock

7/31/00

Regarding: Permit Number 43-2268

The above permit, referenced in a letter received 3-12-1997 from Don Barnett, was cancelled in 1971 for failure of the original permittee to provide Proof of Completion of Works due in 1935.



BARNETT INTERMOUNTAIN WATER CONSULTING

March 10, 1997

RECEIVED

MAR 12 1997

Department of Water Resources
Southern Region

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662
FAX (801) 524-6320

Doug Jones
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Filing of Raft River SRBA Claims by Reid S. Stewart

Dear Mr. Jones:

I understand from Reid Stewart that he is going to be meeting with you in the next week or so regarding the filing of adjudication claims on a piece of property which he has acquired in the Raft River Valley. He refers to the property as the "Darrington Place", as it was previously owned by Ivan Darrington. Based upon research and information gathered in your office, we understand that Ivan Darrington filed timely adjudication claims for two ground water rights on the properties (43-2327 and 43-2461), but he did not file adjudication claims for the two existing surface water rights on the property (43-0046 and 43-4097). It is for these two latter water rights that Mr. Stewart wishes to meet with you.

The two rights contemplate diversion from the Raft River and irrigation on the subject properties. The first water right is for an old decreed water right which has been used for many, many years on the properties. Quite honestly, we do not quite understand WR 43-4097 and it appears that, at least in part, it may be duplicate of the decreed water right. Nonetheless, we have prepared adjudication claims for Mr. Stewart for each of these water rights. Attached hereto are copies of those claims for your review prior to meeting with Mr. Stewart, and he will be carrying the originals with him.

We believe that these two water rights are the only remaining rights on the properties for which adjudication claims have not been filed. Nonetheless, in reviewing file materials for WR 43-4097, we find a letter dated July 25, 1980 from Dr. Richard H. Matherson which references an additional water right (43-2268) which, from the description in the letter, also appears to be appurtenant to the subject properties. However, in IDWR's water right searches of the area, this water right was not found and, therefore, we are not certain as to the disposition of such.

Lastly, Mr. Stewart has also recently acquired properties in the Southeast of the Southeast of the Southeast quarter of Section 23, T15S, R26E which adjoins the Darrington properties. We find that associated with the properties is a water right (43-4095) in the name of Gary E. Crook

Don A. Barnett, P. E.

Jack A. Barnett, P. E.

BARNETT INTERMOUNTAIN WATER CONSULTING

Doug Jones
March 10, 1997
Page 2

which we believe should have its title updated to show Stewart as the current owner. Mr. Stewart will be bringing with him property ownership information. As best we understand, an appropriate claim was filed in the adjudication for this water right. We do not know whether there are additional water rights on this 10 acre tract which should be updated to Mr. Stewart's name.

We greatly appreciate all your help in the water right matters associated with Mr. Stewart's ranch. Should you have any questions of us prior to your meeting with Reid Stewart, you are welcome to contact us.

Sincerely,



Don A. Barnett, P.E.

np
attachments

cc: Reid S. Stewart (w/o attachments)

AGRICULTURAL GROWTH INDUSTRIES, INC.

(415) 676 2326
7671 Hanson Drive, Oakland, California 94605

AUG 1 1980

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
Boise, Idaho 83720

July 25th, 1980

SUBJECT: Position Letter and Data

Water Usage - 160 Acres

Township 15 S, Range 26 E

Section 23 SE1/4 SE1/4	40 Acre Tract	1) 43-0046	(2.0 cfs Nov - Mch)
24 NW1/4 SW1/4	40 Acre Tract	2) 43-2268	(3.2 cfs Nov - Mch)
24 SW1/4 SW1/4	40 Acre Tract	3) 43-2327	(0.21 cfs Apr - Oct)
24 SE1/4 SW1/4	40 Acre Tract	4) 43-2461	(1.5 cfs Apr - Oct)

Dear Sirs:

Thank you for the time and cooperation of your entire office staff at our meeting yesterday. We were extremely appreciative of the sincere help and advise that you have provided.

Actions to be taken following your suggestions were as follows:

- 1 - File to clarify the claim on the 3.2 Cfs of winter water rights, namely 43-2268. This is being looked into and the initial notices are being reviewed. As soon as the proper information is researched we will take the appropriate action.
- 2 - File the appropriate documents to obtain permission for water storage from the winter water rights. This is likewise being reviewed and the appropriate filing prepared.
- 3 - Prepare a Water Balance and Flow Chart with appropriate backup calculations, References and Summary. This is attached herewith and is a part of this communication. (5 pages)

I believe that the Flow Diagram and usage information is self explanatory. If there are any further questions please contact us or it would be easier if our local representative, Ms. Gay Hammer were contacted for immediate response.

Please note that this information supercedes the letter of usage of May 14th, 1980 from Dr. W. Darrell Gertsch. The information provided by him at that time was not complete with respect to the water balance of the entire agricultural complex. Hence, this data will provide you further information updated to our present engineering and usage requirements.

We would also like to call to your attention the balancing fact of the bringing of water and grain onto the complex via the 39,421 tons of grains for processing and usage. This quantity will actually provide a positive water balance instead of a negative usage with regards to the usage of the commercial alcohol portion of the complex. The remaining water usage will comply with animal watering and irrigation as stated in the water permits and usage in the past and at present.

Again, thank you and you staff for their interest and cooperation on our behalf.

Sincerely yours,

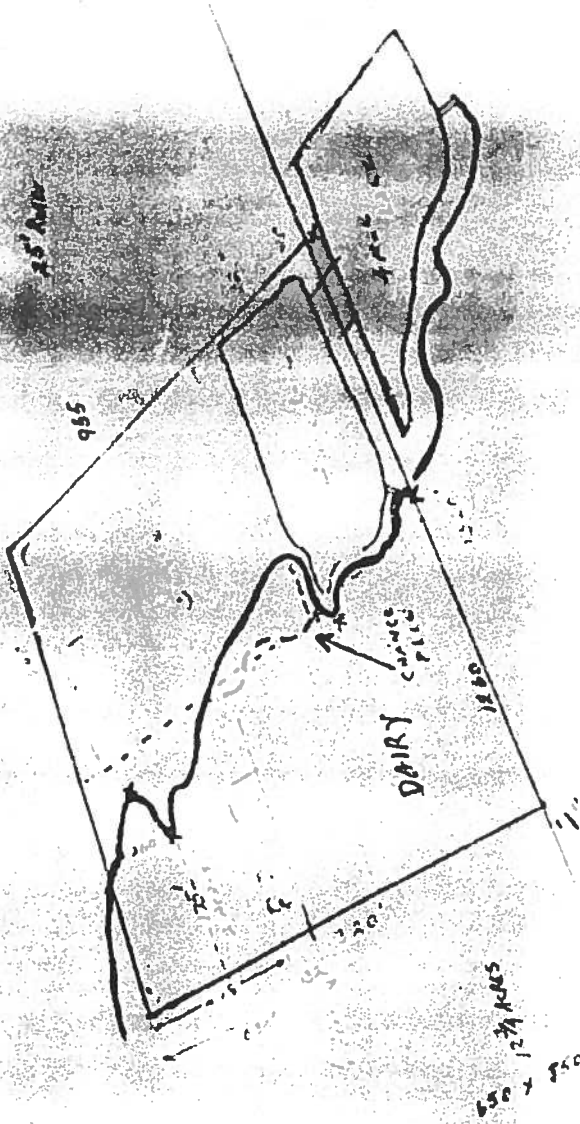
Dr. Richard H. Matherson
President

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43-4097

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RAFT RIVER AGRICULTURAL COMPLEX
WATER USAGE AND RECOVERY
^{7/20/64} FLOW DIAGRAM

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

OCTOBER 14, 1980

IVAN DARRINGTON
BARBARA DARRINGTON
ALMO

ID 83311

RE: Claim No. 43-4097

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

L. O. Holmes
LOREN O. HOLMES
Southern Region Supervisor

Enclosure

Claim No. 43-4097

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Ivan & Barbara Darrington
(Name of Claimant)

Almo Idaho

83311
(Zip Code)

Telephone No. 824-5511

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Oct - 11 - 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Kaft River

tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo., Day)

Quantity 4 CF

Use Irrigation

Period of Use From Oct 10

To 22247

Quantity 4.4 CF

Use Stock not

Period of Use From Sept 20

To June 4

Quantity 7

Use _____

Period of Use From _____

To 1

Quantity _____
Quantity _____Use _____
Use _____Period of Use From _____
Period of Use From _____

To _____

- (4) 8.4 CF TOTAL QUANTITY USED.
(cfs. prod. AFA)

- (5) **A) Point of diversion:** (Location of point where water is diverted from its source)

SE 1/4 % SE 1/4 %, Sec. 23 Twp. 155 Rge. 26E B.M., County of Cassia

Additional points of diversion:

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Riverside Dam with 200 yds RF Ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

I was not Acquainted with this farm operation before 1950. No. of acres 160

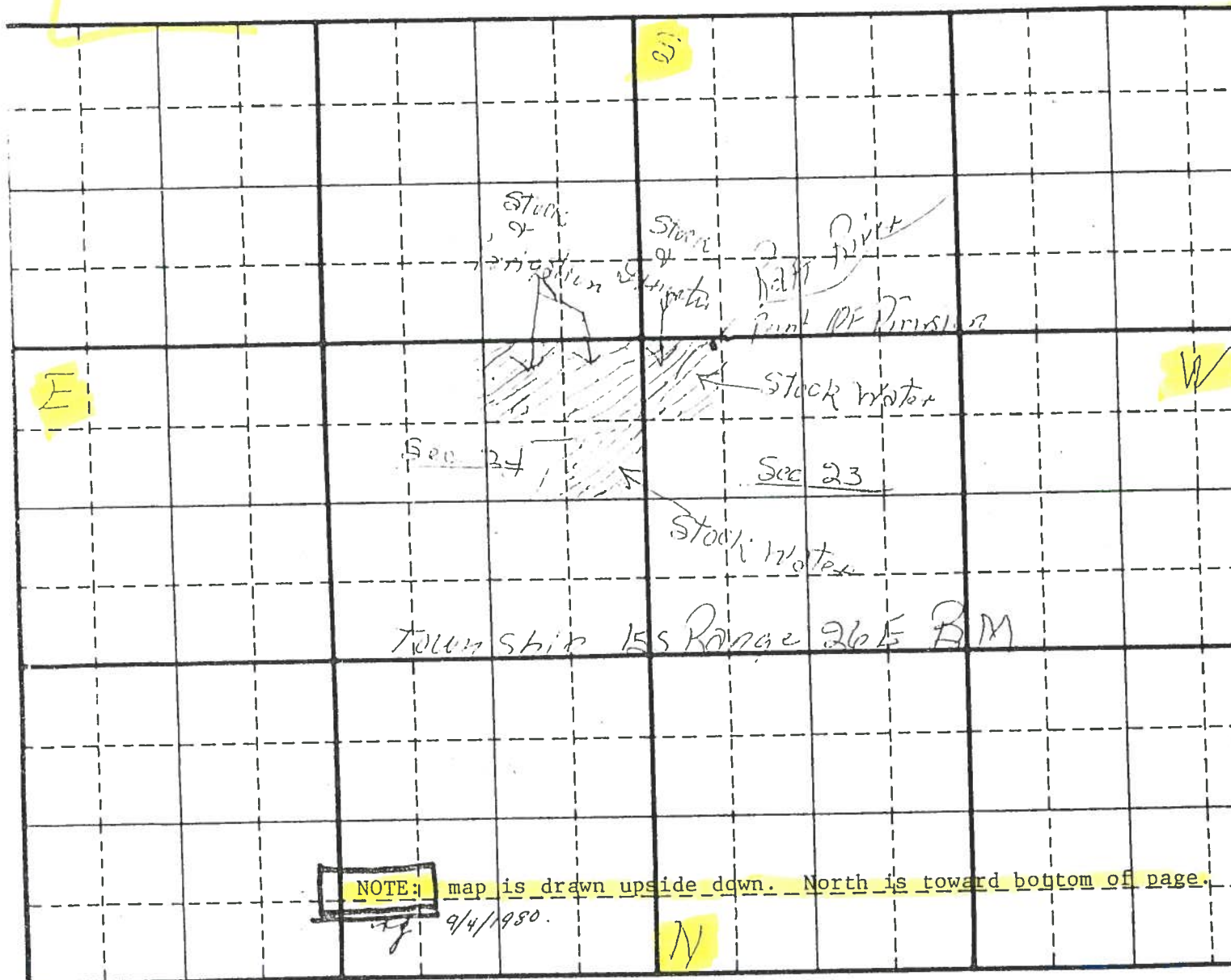
But if water is used for other than irrigation, fully describe that use, being as specific as possible: 1965 - 50 young
Bulls April 1 to Jan. 1950-1964 - 100 ewes with lambs year around
1966 75 Range Cows with calves - 3 Bulls - 4 Saddle Horses Feb. 1 to May 1 -
1967 to 1980 200 Range Cows (Big Angus) 2 Hol. Milk Cows - 7 Horses - (3 Saddle
H) Draft - Nov. 1 to June 1 - Some times a few year around never
more than 20 dead total - 7 Saddle Horses

NOTE: Include here the type and number of stock watered: 200 Range Cows with Calves - 2 Milk C.

- (7) If you are claiming water as a member of an organization, list name of organization:

43-4097

Remarks the land described on this map designated as Stock Water was not irrigated with in Oct. 1 to April - but was irrigated with Lake Meads Decree 1884 & Well permit granted to this land & areas marked irrigation & Stock were used with in Oct. 1 to



Scale: 2 inches equal 1 mile.

October 27, 1980

Mr. Bill Hunger
P.O. Box 485
Boise, Idaho 83701

Dear Mr. Hunger:

Re: Claim No. 43-4097

Corrections to a claim of the point of diversion or place of use may be corrected by the claimant filing an amended claim in the same form as the original. However, a claimant desiring to change the established point of diversion or place of use of all or part of the water under the right is required to submit an Application for Transfer of Water Right. An exception to this is that no amendment or transfer is necessary if the corrected or proposed change in the point of diversion remains in the same 40-acre tract.

As discussed in our telephone conversation with regard to the proposed change of the established point of diversion to claim 43-4097, no transfer is required as long as the point of diversion remains in the same 40-acre tract. You may, however, wish to submit a letter to be placed in the file to more accurately identify the new point of diversion. Please reference the file number when corresponding or inquiring about the claim.

If you have any questions or need further assistance, please feel free to contact me.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ss

Copy from
Microfiche
43-4097

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-04097

Date Received 3/20/97

Receipt Number 5019943

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

43-4097

Please type or print clearly

1. Name of Claimant (s) Reid S. and/or Ruth O. Stewart Phone (801) 753-2027

Mailing Address 1655 Sunset Drive, Logan, Utah Zip 84321

2. Date of Priority (Only one (1) per claim) 10/11/30

3. Source of water supply (a) Raft River

which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 15S Range 26E Section 23,

1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: also NW NE, Section 26, T15S, R26E

b. If instream flow, beginning point of claimed Instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Dam, headgate, pumps, sumps, ditches, and pipelines to place of use.

Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3-1 to 11-30 amount 4.0 or _____

For Stockwatering purposes from 9-20 to 6-6 amount ~~4.08~~ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) Ref 3-20-97 (acre feet)

8. Total consumptive use claimed is 432 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwatering (250 head Mother cows + their calves)

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	26E	23																29	29
15S	26E	24										37	38	40					115

Total number of acres irrigated 144

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-0046, 43-2327, and 43-2461 or None ()

14. Remarks:
Historically, waters have been diverted at different points along the
Raft River from the NW NE of Section 26 to the SE SE of Section 23,
depending on the flow of the river and changes in channel properties.

Last Name Stewart Ident No. 43-4097

Copies: White -State, Yellow-Claimant

Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 43-4097

Court US Jud. Dist. ID Case Number _____ Decree Date _____
Plaintiff vs Defendant Albion ID. Land Co. vs. Jobe Adams Et Al.

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ruth O. Stewart Date 3-2-97

Ruth O. Stewart Date 3-2-97

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day of March 19 97

SEAL

Notary Public Douglas Jones

Residing at Buhl, ID

My Commission Expires 8/8/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

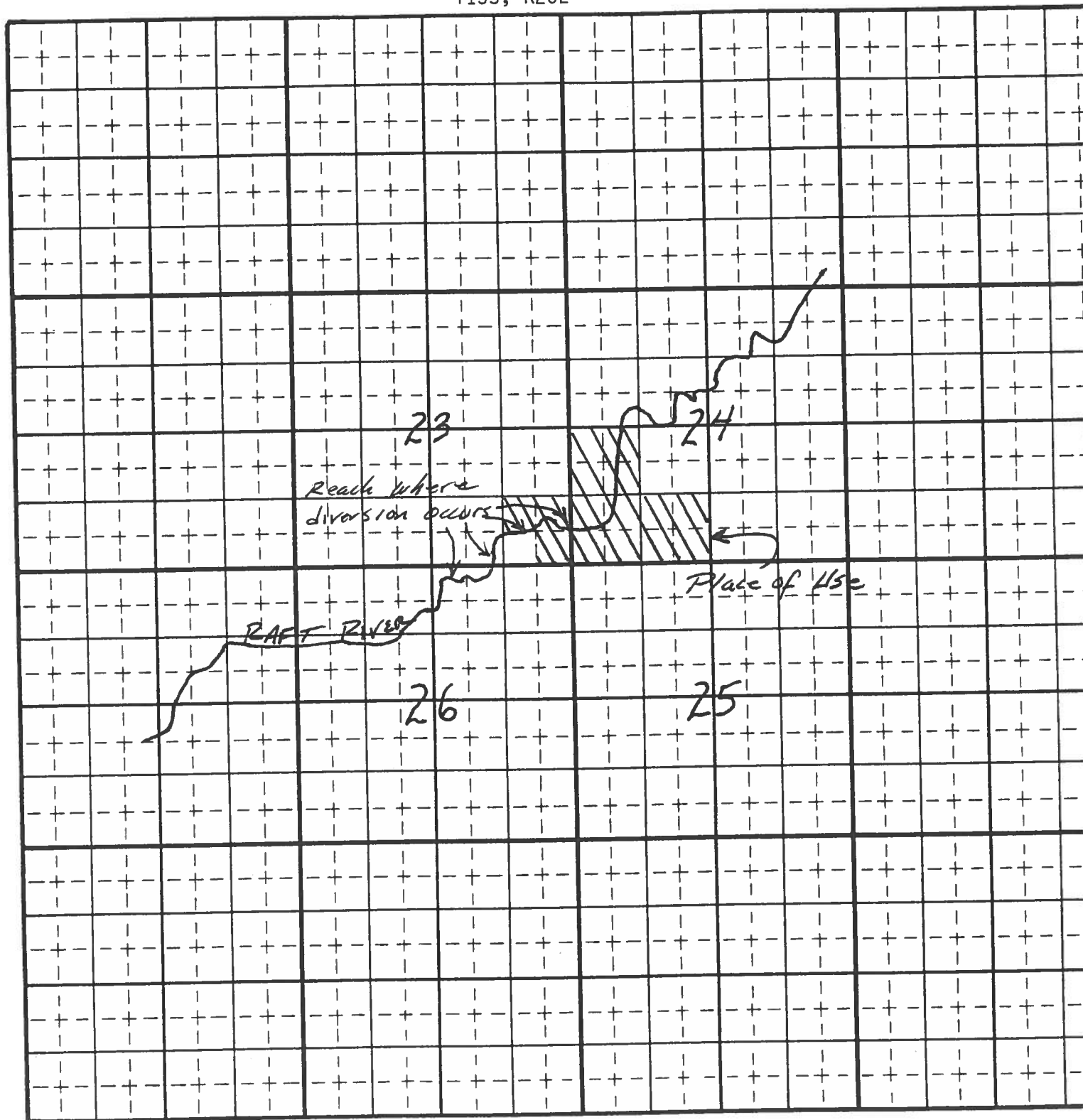
Last Name Stewart Ident. Number 43-4097

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T15S, R26E



Last Name Stewart

Ident No. 43-4097

Copies: White-State, Yellow-Claimant

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