

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 43-4206
Date Received: 4/15/88
Receipt No: S000092
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL D GARNER Phone: (208)349-5586
113 S 2550 E
DECLO ID 83323

TONI L GARNER Phone: (208)349-5586
113 S 2550 E
DECLO ID 83323

2. Date of Priority: 05/01/1956

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	27E	16	SE NE	CASSIA	

5. Description of diverting works:

WELL, PUMP, DITCHES, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S. and/or 240 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	27E	16	NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	15
			SE	NE	IRRIGATION	5
					Section Acres	60
					Total Acres	60

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:

ORIGINAL GRAVITY SYSTEM WAS REPLACED WITH SPRINKLERS BY 1976
SYSTEM CAPACITY IS 3.05 CFS
2/6/01 tf; ownership changed Stewart to Garner per 1409(6) and warranty deed
received 3/13/00.

15. Basis of Claim: Statutory Claim

RECEIVED

MAR 13 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A43-02427, 04206

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant Betty Stewart
Rt 1 Box 158, Rupert, ID 83350

4. New Owner/Claimant(s) Michael D. & Toni L. Garner
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 113 S 2550 E
City, State and ZIP Code Declo, ID 83323
New Telephone Number () 349-5586 670-5586 cell #

5. Date you acquired the property 4-1-1993

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Michael D. Garner

- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

229926

WARRANTY DEED

FOR VALUE RECEIVED, Betty Sue Stewart aka Betty Stewart, a single woman, Route 1, Box 158, Rupert, Idaho 83350, hereinafter referred to as the "Grantor", hereby grant, bargain, sell and convey unto Michael D. Garner and Toni L. Garner, husband and wife, whose address is Star Route, Box 57G, Declo, Idaho 83323, hereinafter referred to as the "Grantee", all the following described property situated in Cassia County, Idaho, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of Section Sixteen (16), Township Eleven (11) South, Range Twenty-Seven (27) East, Boise Meridian, together with all water rights appurtenant thereto, including, but not limited to, an amount of water not exceeding 1.85 cubic feet per second with priority date of August 5, 1955, confirmed by State of Idaho Water License Number G-25875.

SUBJECT TO:

(1) Agreement for Purchase of Power to Raft River Rural Electric Cooperative, Inc., executed by R. L. Pendleton, recorded September 12, 1958, as Instrument No. 198536 in Book 10 of B. S. & A on Pages 83 to 85, records of Cassia County, Idaho.

(2) Easement and Right-of-Way Contract to Intermountain Gas Company, dated March 28, 1962, executed by R. L. Pendleton and Denzil L. Pendleton, husband and wife, recorded April 27, 1962, as Instrument No. 6617, on Film No. 13, records of Cassia County, Idaho.

(3) Right-of-Way Deed to Raft River Highway District, executed by R. L. Pendleton and Denzil L. Pendleton, husband and wife, recorded July 14, 1964, as Instrument No. 19556 on Film No. 28, records of Cassia County, Idaho, a 25 foot strip of land across the East side of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 11 South, Range 27, East of the Boise Meridian.

(4) Mineral Reservation in State of Idaho Deed recorded September 19, 1973 as Instrument No. 72480 on Film No. 84, records of Cassia County, Idaho, which reads as follows: "Reserving to the State all Mineral rights in lands sold subsequent to the 8th day of May, 1923."

NOTE: Oil and Gas Lease from the State of Idaho to R. M. Exploration, Inc., dated October 1, 1981, and recorded January 4, 1982 as Instrument No. 140345 on Film No. 147, records of Cassia County, Idaho.

(5) Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Paul Stewart, as Consumer, dated March 12, 1974 and recorded May 7, 1976 as Instrument No. 90440 on Film No. 101, records of Cassia County, Idaho, covering the E½NE¼ of Section 16, Township 11, Range 27 East of the Boise Meridian, Cassia County, Idaho.

ALL LYING WITH CASSIA COUNTY, IDAHO

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantees' heirs, successors and assigns forever. The Grantor do hereby covenant to and with the said Grantee that the Grantor are the owners in fee simple of said premises; that the said premises are free from all encumbrances except as above-described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of April, 1993.

Betty Stewart
Betty Stewart

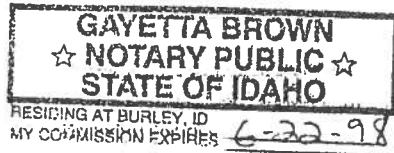
STATE OF IDAHO)
County of Cassia) ss.

On this 28 day of March, 1994, before me, the undersigned, a notary public in and for said State, personally appeared Betty Sue Stewart aka Betty Stewart, a single woman, known

to me to be the persons whose name is subscribed to the within and foregoing document and who acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



Gayetta Brown
Notary Public for Idaho
Residing at Burley
Commission expires 6-22-98

RECORDED AT THE REQUEST OF
LAND TITLE & ESCHOW
FILE # 2574
1994 MAR 29 P 3:05
SAGIDA COUNTY, IDAHO
GARRELL M. ROSKELLEY
RECORDER
FEE 200 DEPUTY MM
LAND TITLE & ESCHOW

229926

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: A43-04206
Date Received: 4/15/1988
Receipt No: S000092
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PAUL RANDALL STEWART
Address: STAR RT. BOX 62
DECLO, ID

208-349-5577

83323

AND/OR

Name: BETTY STEWART
Address: DECLO, ID

83323

2. Date of Priority: MAY 01, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	27E	16		SE	NE		CASSIA

5. Description of diverting works:
WELL, PUMP, DITCHES, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) 240.00 A.F.A.

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-04206

Page 1

Date: 11/04/88

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	27E	16	NW	NE		IRR	40.0
			SW	NE		IRR	15.0
			SE	NE		IRR	5.0
						Section Acres	60.0
						Total Acres	60.0

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:
NONE

14. Remarks:
ORIGINAL GRAVITY SYSTEM WAS REPLACED WITH SPRINKLERS BY 1976.
SYSTEM CAPACITY IS 3.05 CFS.

15. Basis of Claim: STATUTORY CLAIM

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Paul R Stewart Date: 11/4/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of November 19 88
Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

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: A43-04206
Date Received: 4/15/1988
Receipt No: 5000072

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL RANDALL STEWART 208-349-5577
Address: STAR RT. BOX 62
DECLO, ID 83323

AND/OR
Name: BETTY STEWART
Address: DECLO, ID 83323

2. Date of Priority: MAR 15, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	27E	16	SE	NE			CASSIA

5. Description of diverting works:
WELL, PUMP, DITCHES, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) 240.00 A.F.A.

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	27E	16	NW	NE		IRR	40.0

A43-04206

Page 1

Date: 04/15/88

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	27E	16	SW	NE		IRR	15.0
			SE	NE		IRR	5.0
						Section Acres	60.0
						Total Acres	60.0

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:
NONE

14. Remarks:
ORIGINAL GRAVITY SYSTEM WAS REPLACED WITH SPRINKLERS BY 1976.
SYSTEM CAPACITY IS 3.05 CFS.

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Paul R Stewart Date: 4/15/88
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of April 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, ID

My Commission Expires 10/16/1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04206
BETTY STEWART

DECL0

ID 83323

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04206
PAUL RANDALL STEWART
STAR RT. BOX 62

DECL0

ID 83323

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

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Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04206

PAUL RANDALL STEWART
STAR RT. BOX 62

DECLO

ID 83323

RECEIVED

JAN 14 1992

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Department of Water Resources
Southern Region Office

Dear Claimant:

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Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

*Enclosed is a Copy of License - Permit
and Certificate of Water right verifying
Priority Date of Aug 5, 1954*

MICROFILMED

MAR 04 1993

Thank you -

Betty Stewart -

RECEIVED

JAN 14 1992

Department of Water Resources
Southern Region Office

State of Idaho

License and Certificate of Water Right

Water License No. G-25875

Amount 1.85 c.f.s.

Water District No.

Priority August 5, 1955

THIS IS TO CERTIFY that

R. L. PENDLETON

of Twin Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 5, 1955; that Permit No. G-25875 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.85 second feet, was issued thereunder on May 29th, 1962, showing that said works were completed on the 2nd day of August, 1960; and that on the 2nd day of August, 1960,

R. L. PENDLETON

of Twin Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-25875 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of Licenses at page 7280, on the 29 day of May, 1962; The right hereby confirmed dates from August 5, 1955; The Point of Diversion is located

in the SE 1/4, NE 1/4, Sec. 16, Tp. 11 S, R. 27E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.85 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	27 E	16	NE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	25
			SE 1/4 NE 1/4	40	35
Total number of acres to be irrigated:					100

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

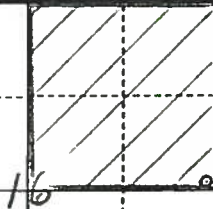
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of May, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

R-27E.

T.
11
S.



Point of Diversion- WELL

MICROFILMED
MAR 04 1993

Permit Map No. 4-25875
As Approved
AUG 16 1955
MARK R. KULP
State Reclamation Engineer

Approval of State Reclamation Engineer

RECEIVED

JAN 14 1992

The number of this permit is G 25875

Recorded in Book 91 Page 25875 Approved AUG 16 1955

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

Work to begin on or before October 16, 1955, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 16, 1958
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on

or before August 16, 1960

Witness my hand this 16th day of August, 1955

Mark R. Kulp

State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLYE, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto

affixed, this 16th day of August, 1955

Countersigned:

STATE OF IDAHO

By

Ira H. Masters
Secretary of State

By

Robert E. Smylye
Governor

No. G. 25875

PERMIT

Date of first receipt at office of State Reclamation Engineer

11:15 A.M. August 5, 1955

Returned to applicant for correction

Corrected application received

Fees, \$ 5.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

VERIFIED BY

2/14/01

02/14/2001

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

RIGHT NUMBER: 43-4206

NAME AND ADDRESS: MICHAEL D GARNER
TONI L GARNER
113 S 2550 E
DECLO, ID 83323

SOURCE: GROUND WATER

QUANTITY: 0.64 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-02429 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.85 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 400 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T11S R27E S16 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.64 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T11S R27E S16	NENE	39	T11S R27E S16
T11S R27E S16	SWNE	40	T11S R27E S16
			NWNE 40
			SENE 34

153 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-02429 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE
IRRIGATION SEASON.

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

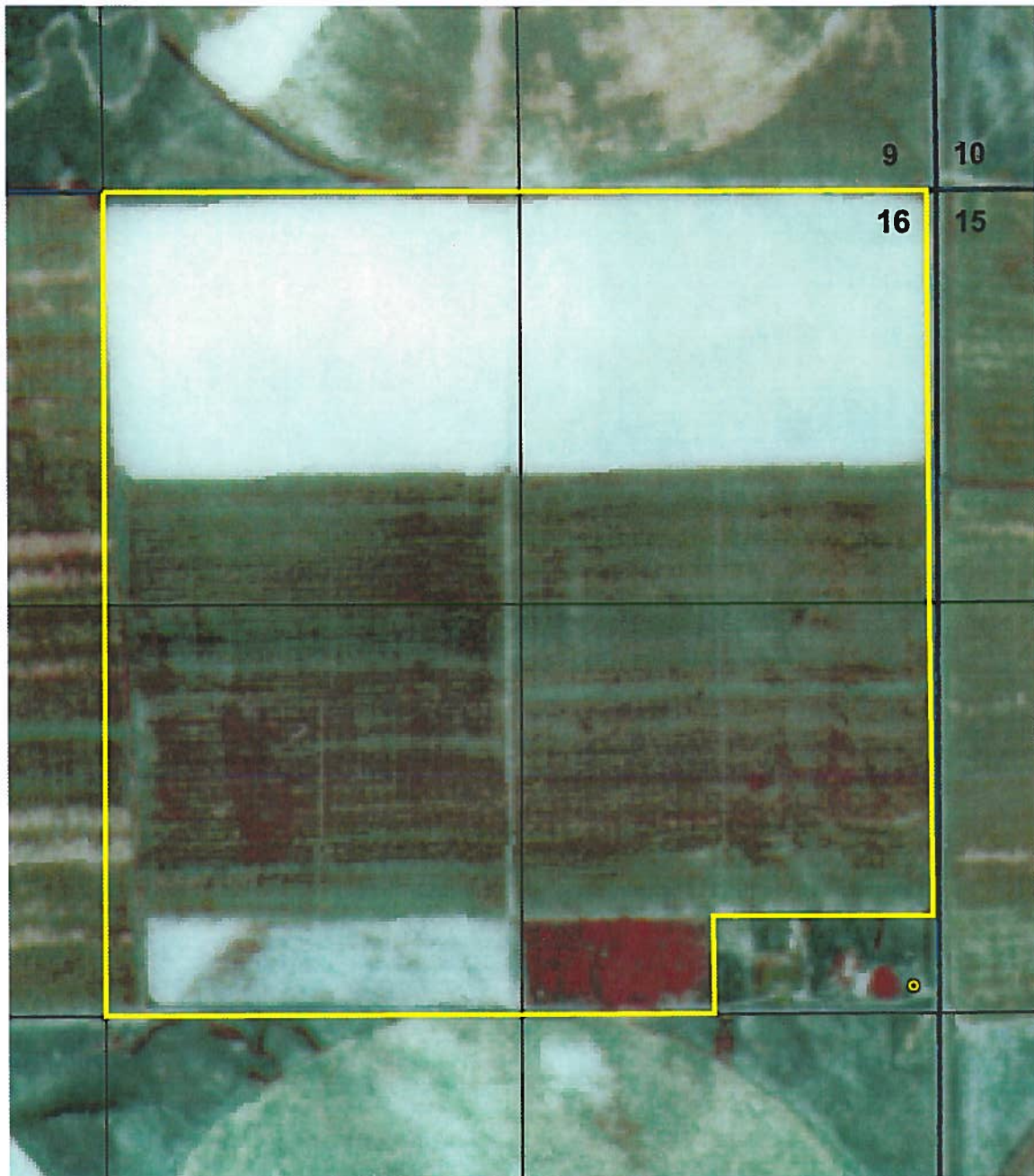
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02429 PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right 43-4206

43-02429, & 43-04206



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 7, 2001
TWP 11S, RNG 27E, SEC. 16



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

A4304206

STEWART BETTY

11S27E16SENE

NOT
ON DOUGS
NEW CAST

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: _____ (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Request for information on historic pumping rates

The Idaho Department of Water Resources (IDWR) is preparing to recommend claims to water rights to the Snake River Basin Adjudication (SRBA) court for irrigation uses in the Raft River Basin. To facilitate this process, we are requesting data from you in order to estimate historic irrigation well pumping capacities. Specifically, we are requesting information regarding pumping flow rate for wells that have not been previously measured for water right licensing.

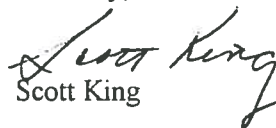
This request is made so that IDWR may estimate historic flow rate based on available information including: past flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department understands that water levels throughout much of the Raft River Basin have been declining for many years, most often reducing the water users' ability to divert at the same rate as previously able. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

IDWR will use the information you submit to make recommendations to the SRBA court for your water right claims. Specifically, recommendations will be made for diversion rate (cfs). The enclosed form will help us reach conclusions pertaining to water quantity recommendations for adjudication claims based on historic beneficial use rather than a decree or license.

The goal of this project is to determine historic maximum diversion rates. It is expected that many irrigation systems change over time. Please detail the system configuration that produced the highest flow put to beneficial use. Since this is a general form, some parts may not apply to your system. Include any additional detail that may help in determining historic flow rates. If you have any questions regarding this data request, or if you prefer to discuss these questions with us instead of completing the form, your call is welcomed. Contact either Scott King at (208) 327-7897 or Cindy Bird at (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

Please take a moment to complete the form or to give Cindy or I a telephone call. It would be most helpful if we could have this information by December 22, 1999.

Sincerely,


Scott King

Enclosure

GIS = 153 Ac.

A43-02429 8/5/1955 1.85 cfs 100 Ac.

- field exam done 5/10/62
- well capacity measured and licensed at 1.85 cfs

→ R43-02429 8/5/1955 1.85 cfs / 400 AF 100 Ac. / 153 ppl

A43-04206 5/1/1956 1.2 cfs 60 Ac.

- same well as A43-02429
- '62 field exam on 43-02429 didn't recognize these acres
- well capacity already licensed
- only Evidence of Priority submitted was copy of license 43-02429 and permit map for 160 acres
- '62 & '68 photos don't show these acres irrigated
- recommend as expansion claim per 42-1416b

→ R43-04206 6/30/1985 0.64 cfs / 0 vol. 53 Ac. / 153 ppl
($1.85 \div 153 \times 53 = 0.64 \text{ cfs}$)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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02/06/01
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PROFILE REPORT

CLAIM NUMBER: A43-04206

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL RANDALL STEWART	05/01/1956	IRRIGATION	03-15 11-15	1.200 CFS	
C	BETTY STEWART					
					TOTAL DIVERSION:	1.200 CFS
					~~CONSUMPTIVE USE:~~	240.00 AFA ~~180.00 AFA~~

Water Source: GROUNDWATER

Tributary to:

Stage: ~~STATUTORY CLAIM~~ B.U.

Point(s) of Diversion: T11S R27E S16 SE SENE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
11S	27E	16	:		40		15		05	:										60.0
																			TOTAL ACRES	60.0

POU County: CASSIA

Other Rights: NONE

Remarks: GEN ORIGINAL GRAVITY SYSTEM WAS REPLACED WITH SPRINKLERS BY 1976.
SYSTEM CAPACITY IS 3.05 CFS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

div. rate: $1.85 \div 153 \times 53 = 0.64 \text{ cfs}$

Cond. Code C18
Remarks:
POU1 K06 53Ac.
E11 153Ac.
w/2429
QNT E25 1.85cfs
400AF
w/2429
GEN K04
exp. claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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02/06/01

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QUICKLOOK INFORMATION

5
CLAIM NUMBER: A43-04206

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y-							
POINT OF DIV	Y-							
SOURCE	-N							
PLACE OF USE	Y-							
DIV. AMOUNT CFS/VOLUME	Y-							
CONSUMPTIVE USE	/							
PURPOSES OF USE	-N							
PERIOD OF USE	-N							
BASIS OF CLAIM	Y-							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right to the surface water or groundwater 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 use as defined in Section 42-230(c), 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 Paul Randall Stewart

(Name of Claimant)

Star Route Box 62, Declo, Idaho 83223
(Mailing Address)

(Zip Code)

Telephone No. 349-5577

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) May 1, 1956

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)

Ground water

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. a)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use	Period of Use From	(Mo., Day)	(Mo., Day)
<u>1.20 cfs</u>		<u>Irrigation</u>	<u>3-15</u>	To	<u>10-15</u>
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	
Quantity		Use	Period of Use From	To	

- (4) 1.20 cfs TOTAL QUANTITY USED.
(cfs. a)

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

S. 1/4 NE 1/4, Sec. 16 Twp. 11S Rge. 27E 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. Drilled well pump gravity irrigation ditches, sprinkler system.

- (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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>11S</u>	<u>27E</u>	<u>16</u>		<u>40</u>	<u>15</u>	<u>5</u>													<u>60</u>

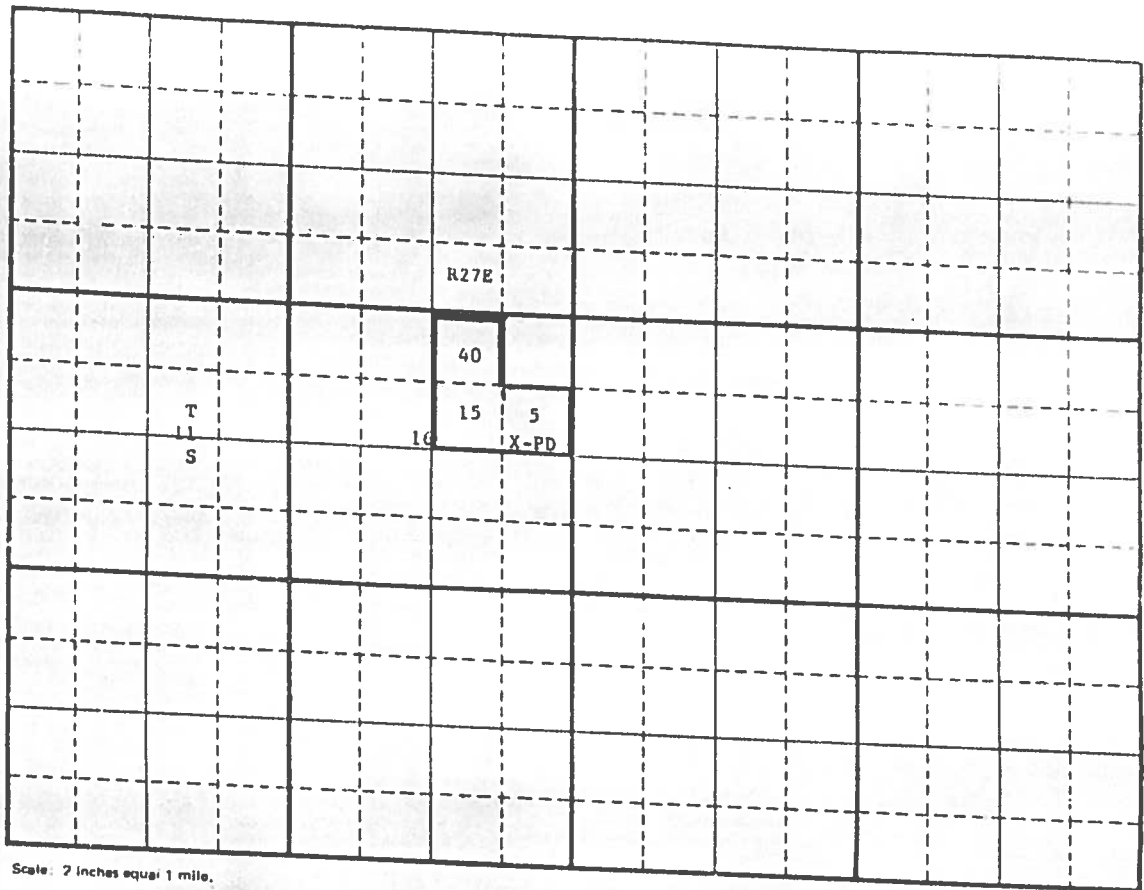
No. of acres 60

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible. N/A

NOTE Include here the type and number of stock watered ---

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

Remarks This claim is for additional water used from a well licensed (G-25875) in May, 1962. Water was transported through gravity ditches to lands not previously irrigated to fill out irrigation of the entire 160 acre tract.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40 acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of TWIN FALLS) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20 day of June

Paul Randall Stewart
(Claimant)

1983.

Marilyn S. Whitcomb
Notary Public
Residing at Twin Falls

My commission expires 6/87

Received by mayor Date 11/2/83
Prelim. check by DP Date 6/27/83
\$30.00 fee received by DP Date 11-10-83
Published in North ID Press Date 6/27/83
Dates 1/24 & 12/1/83

FOR DEPARTMENT USE ONLY

Exception filed by:

Forwarded to
claimant by:

Date

AFFIDAVIT

I, R. L. Pendleton, of 16 Box 1147, Twin Falls, Idaho
Post Office Address 3351

do hereby affirm that I have personal knowledge of the well located in the
SE 1/4, NE 1/4, Section 16, Township 11S, Range 27E, commonly known
as the Pendleton well. Information I can formally attest to is as follows:

1. Date drilled April 1956
2. Well driller _____
3. Date of first use of water May 1956
4. Nature of use Irrigation
5. Quantity of water diverted 60 miners inches
6. Lands irrigated by this well NE/4, Section 16, T11S, R27E.

7. Duration of use each year, from March 15 to October 15
8. Other information This affidavit is to substantiate water in addition
to license #G25875 for irrigation of lands not included in the license.

R. L. Pendleton
Signature

STATE OF IDAHO
County of TWIN FALLS

Subscribed and sworn to before me this 20 day of June, 1983

(NOTARY SEAL)

Mary S. Whitteide
Notary Public