

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 43-13103  
Date Received: 7/17/2001  
Receipt No:  
Received By: SQ2449

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

1. Name of Claimant(s)

REID STEWART Phone: (435)753-2027  
1655 SUNSET DR  
LOGAN UT USA 84321

RUTH O STEWART Phone: (435)753-2027  
1655 SUNSET DRIVE  
LOGAN UT USA 84321

2. Date of Priority: 06/30/1985

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 15S      | 27E   | 29      | SW NE                 | CASSIA |      |
| 15S      | 27E   | 18      | SE SE                 | CASSIA |      |
| 15S      | 27E   | 29      | SW NW                 | CASSIA |      |

5. Description of diverting works:

WELLS, PUMPS AND PIPELINES TO PLACE OF USE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 7.9    |            |

7. Total Quantity Appropriated is:  
7.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 15S      | 27E   | 20      | NE  | SW     |     | IRRIGATION    | 40    |
|          |       |         | SE  | SW     |     | IRRIGATION    | 40    |
|          |       |         | NW  | SE     |     | IRRIGATION    | 40    |
|          |       |         | SW  | SE     |     | IRRIGATION    | 40    |
|          |       |         | NW  | SW     |     | IRRIGATION    | 40    |
|          |       |         | SW  | SW     |     | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 240   |
| 15S      | 27E   | 29      | NE  | NW     |     | IRRIGATION    | 40    |
|          |       |         | SE  | NW     |     | IRRIGATION    | 40    |
|          |       |         | NW  | NE     |     | IRRIGATION    | 40    |
|          |       |         | SW  | NE     |     | IRRIGATION    | 40    |
|          |       |         |     |        |     | Section Acres | 160   |
|          |       |         |     |        |     | Total Acres   | 400   |

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:

THIS IS AN EXPANSION OF WATER RIGHTS 43-2299B, 43-2387 AND 43-2509B PURSUANT TO IDAHO CODE 42-1416B.

15. Basis of Claim: Beneficial Use

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 Stewart* Date: 7-17-01

Date: 7-17-01

State of Idaho )  
County of TWIN FALLS ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day of July 2001

*Vikie Hancock*

Notary Public

Residing at BUHL IDAHO

My commission Expires 5-7-2003\_



# Idaho Department of Water Resources Receipt

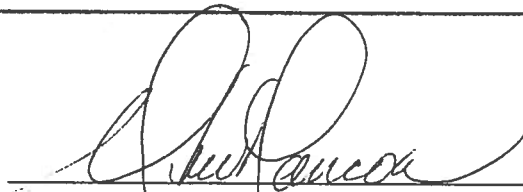
Receipt ID S024149

Payment Amount  Date Received  Region  Status   
Payment Type  Check Number

Payer   
Comment

## Fee Detail

| Amount   | Description             | Fund | FD    | PCA  | SO |
|----------|-------------------------|------|-------|------|----|
| \$100.00 | ADJUDICATION FILING FEE | 0337 | 44503 | 1155 |    |

  
Signature Line (Dept. Representative)

07/17/2001

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

RIGHT NUMBER: 43-13103

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

SOURCE: GROUND WATER

QUANTITY: 5.69 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 5.69 CFS AND TO A TOTAL  
COMBINED ANNUAL DIVERSION VOLUME OF 1240 AF. COMBINED RIGHT  
NOS.: 43-2299B, 43-2387, 43-2509B.

PRIORITY DATE: 06/30/1985

|                     |               |        |                      |
|---------------------|---------------|--------|----------------------|
| POINT OF DIVERSION: | T15S R27E S29 | SESWNE | Within CASSIA County |
|                     | T15S R27E S29 | SWSWNW | Within CASSIA County |

PURPOSE AND  
PERIOD OF USE:

|                       |                      |                 |
|-----------------------|----------------------|-----------------|
| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
| IRRIGATION            | 03-15 11-15          | 7.86 CFS        |

PLACE OF USE:

|                                        |      |    |               |      |    |
|----------------------------------------|------|----|---------------|------|----|
| <u>IRRIGATION Within CASSIA County</u> |      |    |               |      |    |
| T15S R27E S17                          | SWSW | 35 | T15S R27E S18 | SESE | 39 |
| T15S R27E S19                          | NENE | 40 | T15S R27E S20 | NWNW | 39 |
| T15S R27E S20                          | SWNW | 40 | T15S R27E S20 | SESW | 40 |
| T15S R27E S20                          | NESW | 40 | T15S R27E S20 | NWSW | 35 |
| T15S R27E S20                          | SWSW | 39 | T15S R27E S20 | SESW | 40 |
| T15S R27E S20                          | NWSE | 40 | T15S R27E S20 | SWSE | 40 |
| T15S R27E S29                          | NWNE | 40 | T15S R27E S29 | SWNE | 38 |
| T15S R27E S29                          | NENW | 40 | T15S R27E S29 | NWNW | 40 |
| T15S R27E S29                          | SWNW | 40 | T15S R27E S29 | SESW | 38 |

703 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 393 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION  
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 703 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-116, 43-117, 43-  
118, 43-119, 43-2299B, 43-2387, 43-2509B, 43-13103.

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.

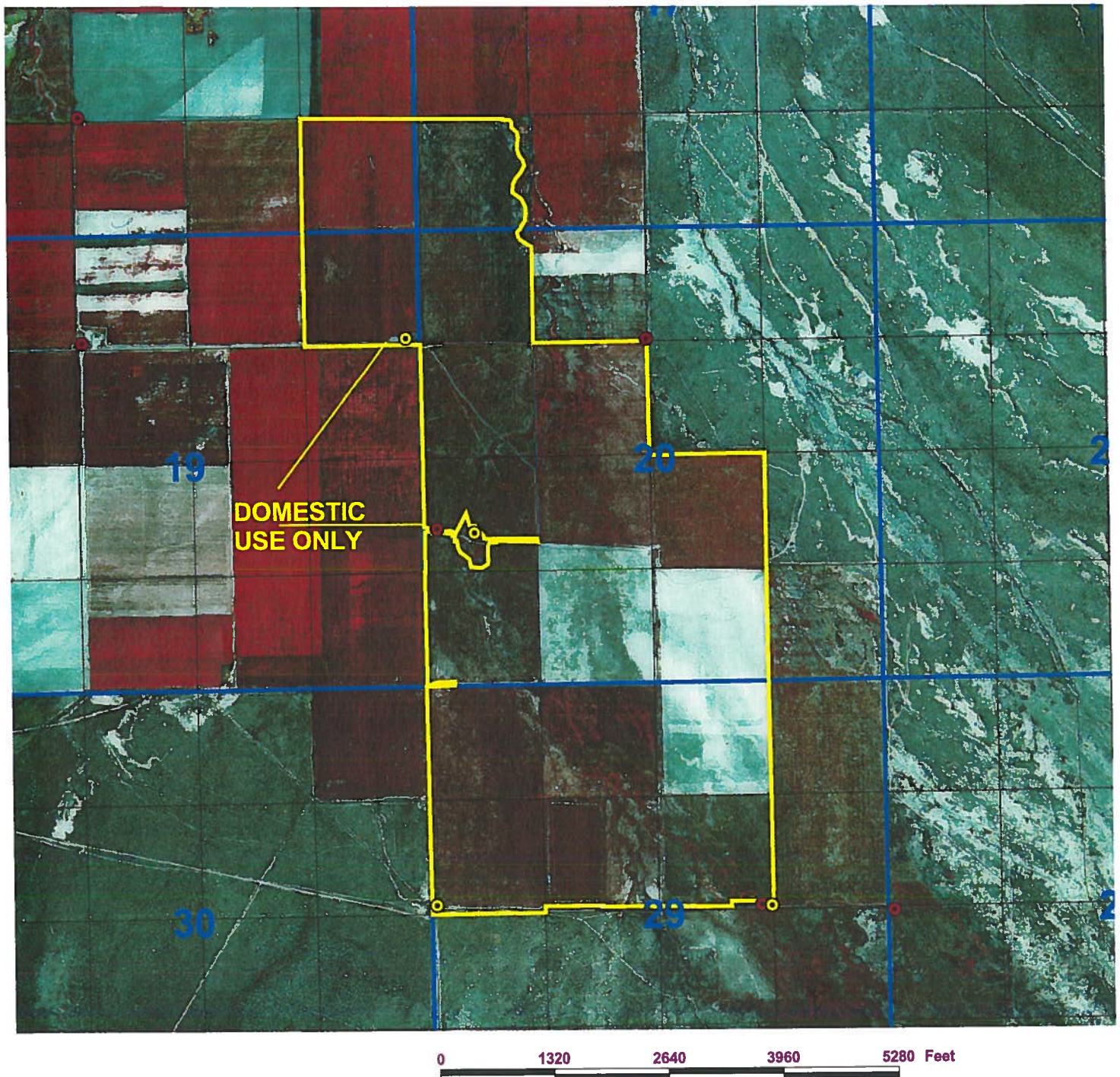
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-2299B, 43-2387,  
43-2509B PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

# Idaho Department of Water Resources

**RIGHTS: 43-2299B, 43-2387,  
43-1509B, 43-13103**

**RECOMMENDED PLACE OF USE  
TWP 15S, RNG 27E  
Data entry on July 17, 2001**



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



**GIS PLACE OF USE PRESENTATION  
1987/1988 NAPP AERIAL PHOTOGRAPHY  
PREPARED BY VIKIE HANCOCK**

## COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/13/2001

Regarding:

Contact:

Claims of Reid Stewart

Reid Stewart and Don Barnett

**Regarding the "Grow" property which is also appurtenant to Clear Creek rights we discussed the following:**

Mr. Stewart expressed a need for a permissible place of use for ground water that encompassed all the land covered by both GW and Clear Creek at what he calls the *Grow property* after the person he sold it to and bought it back from.

He outlined the mainlines of the sprinkler system that conveys water from the two irrigation wells and also from a pond located close to the east well where Clear Creek water is pumped into the system. **He will require an expansion claim** of approximately 392 acres **for groundwater**, however he believes that it is possible that some of the groundwater use may have begun prior to 1962 and will look for evidence to file a beneficial use claim on as much as possible.

If he wishes to have his Clear Creek water appurtenant to all his ground he will need to file an enlargement claim for approximately 160 acres. I told him that I would look on the field exam notes for licenses 43-2299 and 43-2387 for evidence of use of Clear Creek on tracts not decreed.

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*note = Exp acres paid previously, also  
~~about~~ clear creek filings  
see*

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| <u>Licenses</u> | <u>GW</u>   | <u>AC</u>  |       |
|-----------------|-------------|------------|-------|
| 1.86            | 420         | 105        |       |
| 2.44            | 500         | 125        |       |
| 1.39            | 320         | 80         |       |
| <u>5.69</u>     | <u>1240</u> | <u>310</u> | ac UC |

*comb limits  
quantity*

*703 ac pond  
- 310 licensed  
393 Exp acres*

*703 ac PPU*