

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: A37-00032A
Date Received: 9/19/1988
Receipt No: S002277
Received By: mw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS G. STEWART 208-823-4403
Address: P.O. BOX 254
CAREY, ID 83320

AND/OR

Name: CAROLYN STEWART 208-823-4403
Address: P.O. BOX 254
CAREY, ID 83320

2. Date of Priority: MAY 15, 1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	21E	3	NE	NW	SW		BLAINE

5. Description of diverting works:
CEMENT CHECK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.590		

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

8. Total consumptive use is 89.1 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	21E	3	NW	SW		IRR	29.7
Section Acres							29.7
Total Acres							29.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PORTION OF 37-0032 DECREE. ALSO USED WITH A37-00561 DECREE.
LITTLE WOOD RESERVOIR CO CONTROLS THE WATER, CLAIMANT PAYS
FOR CANAL CO. SHARES. THIS DECREE IS AN ADDITION TO RESERVOIR
WATER USED.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

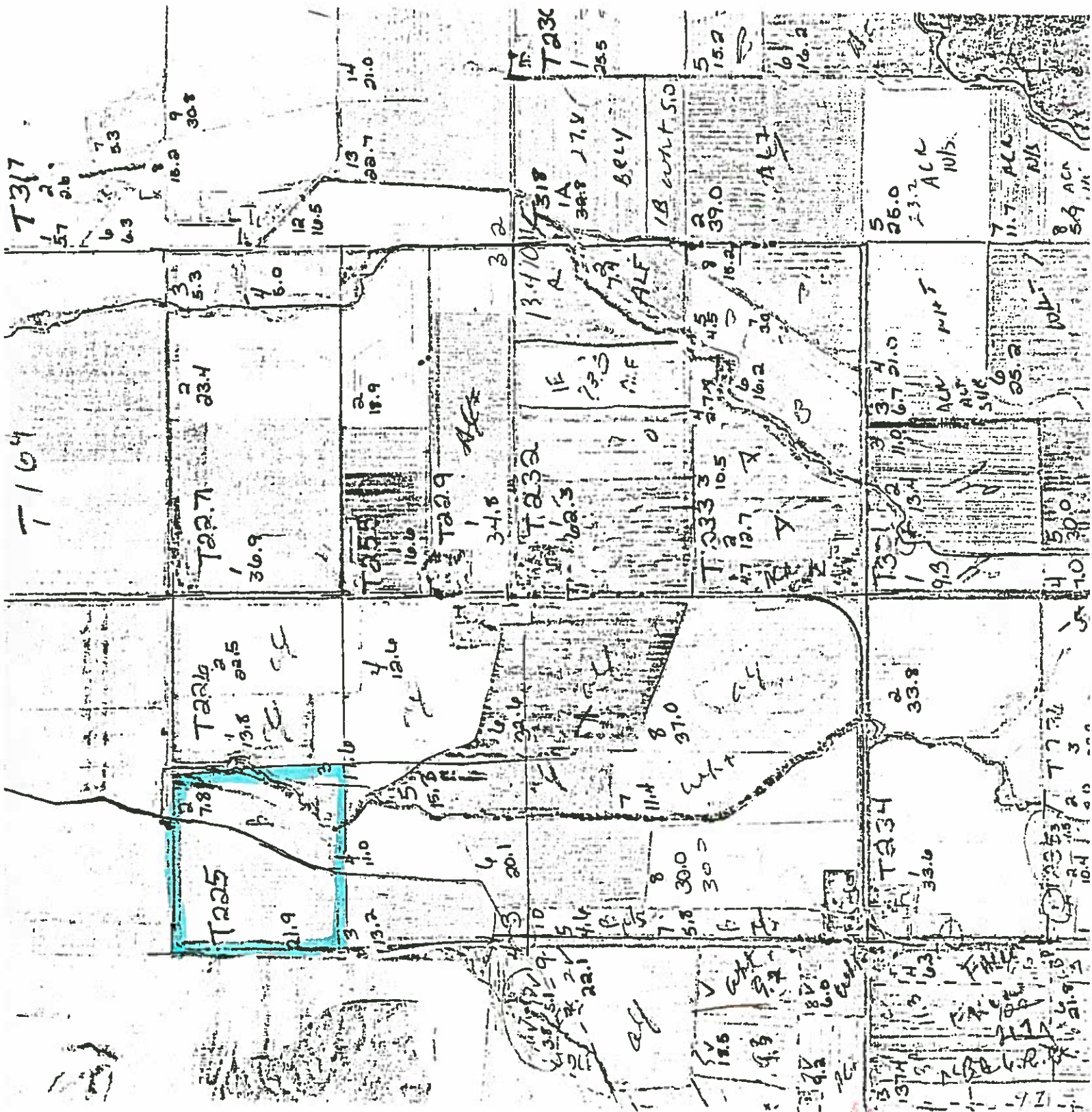
Decree Plaintiff

vs

Decree Defendant

(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.

09/19/88
MICROFILMED
FEB 22 1993



MICROFILMED
FEB 22 1993

07/12/2004

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

RIGHT NUMBER: 37-32A
NAME AND ADDRESS: DENNIS G STEWART
20120 HWY 93
CAREY ID 83320

CAROLYN STEWART
20120 HWY 93
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.590 CFS
PRIORITY DATE: 05/15/1883
POINT OF DIVERSION:

T01N R21E S30 NWSWE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.590 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S03	NWSW	37.0	T02S R21E S03	SWSW	31.0
T02S R21E S10	NWNW	29.0	T02S R21E S10	SWNW	31.0
T02S R21E S10	SENW	2.1			

130.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-561A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 130.1 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.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER
IRRIGATION DIST.

Dear Mr. Clelland—

If we need to do
anything else, please
let us know. Thanks

Denise Barton

53 Cenarrusa

Carey, Id. P3320

208-823-4449



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

JUNE 22, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DENNIS G STEWART
CAROLYN STEWART
20120 HWY 93
CAREY ID 83320

RE: AMENDED CLAIMS 37-32A & 37-561A

Dear Mr. & Mrs. Stewart,

Enclosed please find the amended claims I discussed with your daughter, Denise Barton. Please review the claims for accuracy, sign with a Notary Public and return the claims to my office in Boise, Id.

If you have further questions on this water right, please feel free to call me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', is written over a horizontal line.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

She said they are in New York and she is handling their affairs. I will send her the amended claims for the increased flow and acres and she will forward them on. I spoke with her husband also to be sure the use on the farm is correct as proposed in the amendment.



State of Idaho

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JUNE 17, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DENNIS G STEWART
CAROLYN STEWART
20120 HWY 93
CAREY ID 83320

37-32 A

37-561 A

RE: POSSIBLE AMENDMENT TO YOUR CLAIMS

Dear Mr. & Mrs. Stewart,

After initially reviewing your claims it appears you may need to correct the filings you have made and amend your claims to increase the quantity and acres claimed. Please contact me as soon as possible to discuss this further. Since the reporting deadline is fast approaching you will need to get this resolved as soon as possible.

If you have further questions on this water right, please feel free to call me at our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

06/17/2004

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

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NAME AND ADDRESS: DENNIS G STEWART
20120 HWY 93
CAREY ID 83320

CAROLYN STEWART
20120 HWY 93
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SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.590 CFS
PRIORITY DATE: 05/15/1883
POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.590 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02S R21E S03	NWSW	29.7	T02S R21E S03	SWSW	29.2
T02S R21E S10	NWNW	24.7	T02S R21E S10	SWNW	27.8
T02S R21E S10	SENW	3.0			

114.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-561A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 114.4 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
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EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

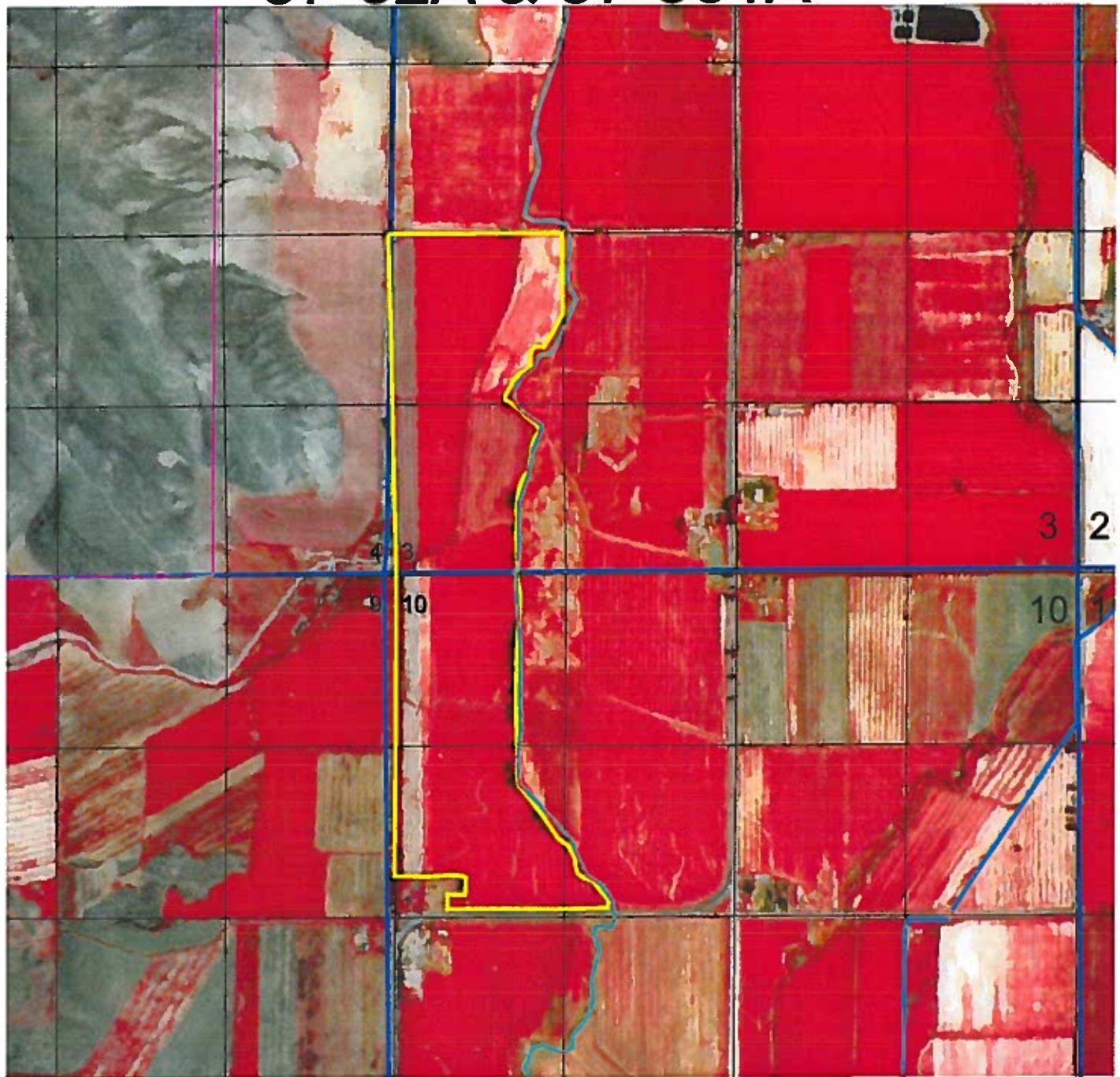
WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER
IRRIGATION DIST.

Kø6
29.7 AC.
added 6/17/04 scc
Revised per amendment 7/12/04 scc

IDAHO DEPT OF WATER RESOURCES

37-32A & 37-561A



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 3 & 10



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JUNE 17, 2004

37-32A

(STEWART)

1/7/04
SCC

37-561A

(renumbered part A)

Q both rights are overclaimed - call WM for correct Q as split.

6/17/04
SCC

WM shows stewart ~~not~~ with these amounts:

- 561 A 0.82 cfs (claimed 1.30)

- 32 A 0.84 (claimed 0.59)

under claimed!

CALLOUT: 823-4403

11:50 AM (call could not be completed. ? phone error)

(12 NOON call new # 824-4062) # Disconnected!

- Hope to advise if needed amendment on 37-32A during NOE period.

Pou:

- 32 A 29.7 ac

- 561 A 84.7

114.4 claimed GIS = 130.1 AC.

(update PLS AC = 130.1 AC.)

- appears to be used in common PPU system.

* would you need K06 if amended to new PPU?

acres underclaimed

West
Canada

T2S R21E

32A

32 Decree

3 2

561

10 11

7

-561
Decree

GIS = 130 AC

DRAFT
31-32A
31-561

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-32

WATER RIGHT NUMBER: 37-32

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN B ARTHUR
	, ZZ
Current Owner	EDWARD B ARTHUR
	, ZZ

Priority Date: 05/15/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	3				..				.	X	X		X					
02S	21E	10					X												

Conditions of Approval:Remarks:Comments:Dates and Other Information:

SPLIT
 -32A .59 cfs

 -32B 1.54

 2.13

 (overclaimed)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-32

Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37N
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False