

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

01/16/2001

WATER RIGHT NO. 37-10078

Owner Type                      Name and Address  
Current Owner                      GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP  
                                                 1776 S 1625 E  
                                                 GOODING, ID 83330

Directors Report Owner                      ELLA STEWART  
                                                 1646 S 1625 E  
                                                 GOODING, ID 83330  
                                                 (208)934-5012

Priority Date:                      01/01/1930  
Basis:                                  Beneficial Use  
Status:                                  Valid

Source                                                              Tributary to  
GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| DOMESTIC              | 1/01        | 12/31     | 0.04 CFS              |               |                    |
| Total Diversion       |             |           | 0.04 CFS              |               |                    |

Location of Point(s) of Diversion:

GROUND WATER                      SWSENW                      Sec. 26                      Township 05S                      Range 14E                      GOODING County

Place(s) of use:

Place of Use Legal Description: DOMESTIC                      GOODING County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 05S             | 14E          | 26             |            | SEnw         |              |            |              |              |            |              |              |            |              |              |

Conditions of Approval:

1.    N11    THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.    N13    THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1.    Explanatory                      PARCEL NO. RP05S14E264800A

Water Right 37-10078

Dates:

Licensed Date:  
Claim Received Date: 06/06/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date:  
SF5 Filed:  
Special Master Recom Signed Date:

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
PresumptionFlag:  
Notice of Error Flag:NONE RECEIVED  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 17, 2001

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GARY L & LUCY C OSBORNE FAMILY LTD PARTNERSHIP  
1776 S 1625 E  
GOODING ID 83330

RE: SRBA Claim(s) A37-00359B and A37-01164G  
Decreed Water Right 37-10078

Dear Claimant/Water Right Holder:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) and water right noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

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

**RECEIVED****JAN 16 2001**Department of Water Resources  
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 37-10078              |                              |       |                       |                              |       |
| 37-01164G             |                              |       |                       |                              |       |
| A3700359B             |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the 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(s) Ella Stewart  
1664 South 1625 East, Gooding, ID 83330
4. New Owner/Claimant(s) The Gary L. and Lucy C. Osborne Family Limited  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or ☒ Partnership
- New Mailing Address 1776 South 1625 East,
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number ( )
- Date you acquired the property January 10, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| Total                                              | _____                                                                      | _____                                                        |

**DESCRIPTION OF YOUR PORTION OF WATER RIGHT**  
(If the right(s) will not be split, skip this area and proceed to item 7)

|                                                    |                                                                            |                                                              |
|----------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____ |                                                                            |                                                              |
| Water Use                                          | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                         | _____                                                                      | _____                                                        |
| Stock                                              | _____                                                                      | _____                                                        |
| Domestic                                           | _____                                                                      | _____                                                        |
| Other _____                                        | _____                                                                      | _____                                                        |
| Total                                              | _____                                                                      | _____                                                        |

Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

Gary L. Osborne  
Gary L. Osborne, General Partner  
Lucy C. Osborne  
Lucy C. Osborne, General Partner

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

For Office Use Only

|                                    |                     |                            |
|------------------------------------|---------------------|----------------------------|
| Received by <u>[Signature]</u>     | Date <u>1/10/01</u> | Fee <u>25.00</u>           |
| Receipted by <u>[Signature]</u>    | Date <u>1/10/01</u> | Receipt No. <u>5023562</u> |
| Processed by <u>[Signature]</u> AJ | Date _____          | WR _____ Date _____        |

# WARRANTY DEED

#GG-

For Value Received

Ella Stewart, an unmarried woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

The Gary L. and Lucy C. Osborne Family Limited Partnership  
Address: 1776 South 1625 East, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 14 EAST, OF THE BOISE MERIDIAN, GOODING COUNTY, ID

Section 26: NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying South of River and SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying South of Rive

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2001 and subsequent years, an accruing lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by Elizabeth M. Jones to The American Telephone and Telegraph Company of Wyoming dated June 16, 1941, recorded November 7, 1941 on Book 4 of Miscellaneous at Page 573 as Instrument Number 81881, Gooding County records, affecting NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 26, Township 5 So Range 14 E.B.M.

Power Line Easement given by Andrew C. Andersen to Idaho Power Company, a corporation, dated May 1, 1973, recorded April 27, 1973 as Instrument Number 045281, Gooding County records, affecting SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 5 South, Range 14 E.B.M.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 46 Acres of American Falls Reservoir District No. 2, American Falls Supplemental Water, 28.75 inches at .58 CFS, and including but not limited to State of Idaho Water right numbers 37-10078, 37-01164G, 37-00359B.

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

Dated: January 10, 2001

*Ella Stewart by Curtis L. Stewart*  
Ella Stewart, by Curtis L. Stewart,  
Attorney in Fact

Instrument # 188960  
GOODING, GOODING, IDAHO  
2001-01-11 03:22:38 No. of Pages: 2  
Recorded for : LAND TITLE  
HELEN EDWARDS Fee: 6.00  
Ex-Officio Recorder Deputy *Denise Archdale*  
Index to DEED WARRANTY

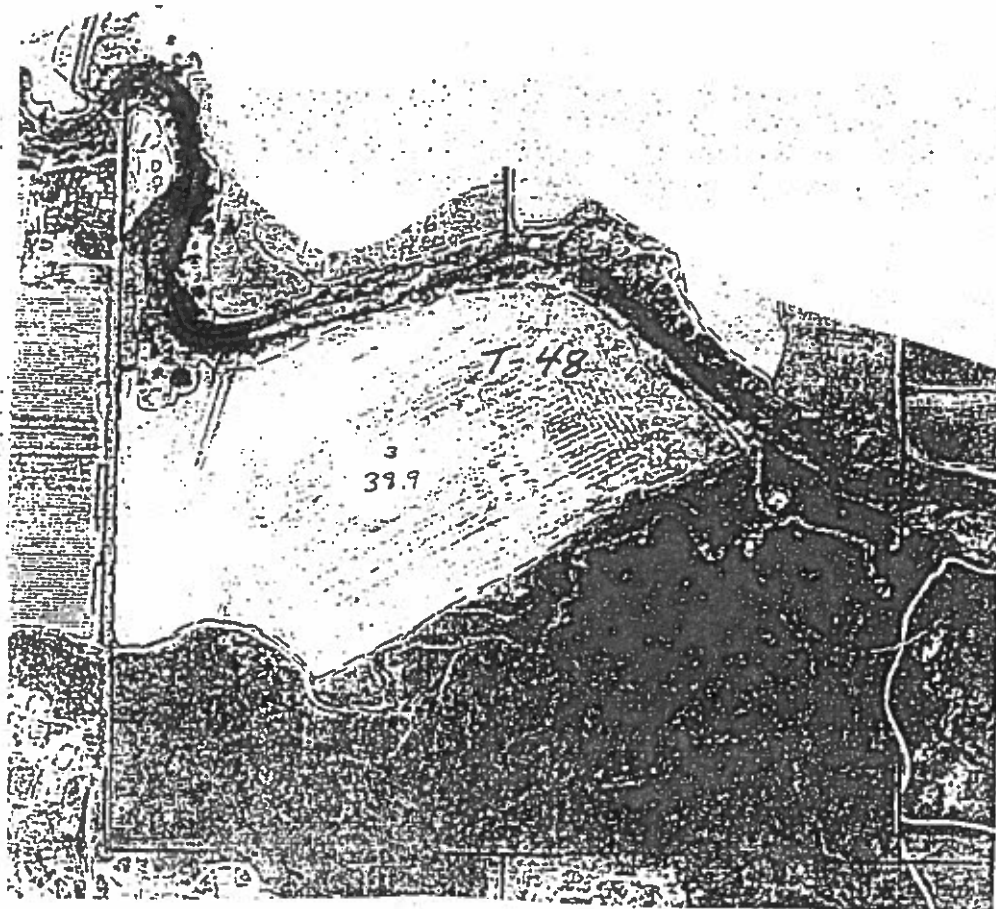
STATE OF IDAHO )  
 ) ss.  
COUNTY OF Gooding )

On this 11<sup>th</sup> day of January, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Curtis L. Stewart, known and identified to me to be the person whose name is subscribed to the within instrument, as the Attorney-In-Fact of Ella Stewart and acknowledged to me that he subscribed the name of Ella Stewart thereto as principal, and his own name as Attorney-In-Fact.

Becky Shubert  
Notary Public  
Residing at: Wendell, ID  
My Commission expires: 02-23-05

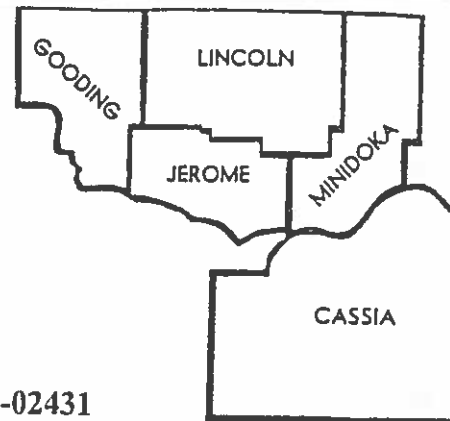
Becky Shubert  
Notary Public  
State of Idaho

Shelli -  
Land Title



# Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



January 10, 2001

REFER TO: GG-02431  
OFFICE: Gooding

State of Idaho  
Department of Water Resources  
Southern Region  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380

RECEIVED

JAN 16 2001

Department of Water Resources  
Southern Region

RE: Notice of Change of Water Right Ownership  
Osborne/Stewart  
Cert. Mail # 7000 0520 0015 3075 4492

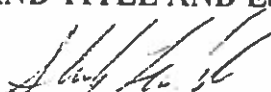
Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 138960
- Copy of Map
- Our Check # 13987 in the amount of \$25.00 for the transfer fee.

Thank You,

LAND TITLE AND ESCROW, INC.

  
Shelley Fredrickson  
Escrow Department  
(208) 934-8477  
P.O. Box 473, 706 Main Street  
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318  
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338  
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330  
PHONE 934-8477 - FAX 934-5880

BOX 111, RUPERT, IDAHO 83350  
PHONE 436-0608 - FAX 436-1199



## 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

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March 3, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

37-10078  
ELLA STEWART  
1646 S 1625 E  
GOODING ID 83330

RE: Domestic and/or Stockwater Rights in Reporting Area 16, Basin 37  
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 37 (the Big Wood River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 37 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Hailey, Fairfield, Gooding, Shoshone, Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher  
Director

Enclosures

AJ5855NP  
454

IDAHO DEPARTMENT OF WATER RESOURCES  
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT  
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999  
PAGE: 1

RIGHT NUMBER: 37-10078

NAME AND ADDRESS: ELLA STEWART  
1646 S 1625 E  
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 01/01/1930

POINT OF DIVERSION T05S R14E S26 SWSENW Within GOODING County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|----------------|-----------------|---------------|----------|
|                | DOMESTIC 1 HOME | 01-01 12-31   | 0.04 CFS |

PLACE OF USE: DOMESTIC Within GOODING County  
T05S R14E S26 SENW

OTHER MATTERS 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PARCEL NO. RP05S14E264800A

# **NOTICE OF DIRECTOR'S REPORT REPORTING AREA 16, BASIN 37 FOR SMALL DOMESTIC AND STOCK WATER RIGHTS**

## **INTRODUCTION**

This is the Idaho Department of Water Resources' (IDWR) Director's Report for your small domestic and/or stock water right claimed in the Snake River Basin Adjudication (SRBA). The quantity allowed for each small domestic or stock water right is up to 13,000 gallons per day. An additional Director's Report for irrigation and all other state law based claims in your reporting area will be filed with the court at a later date.

IDWR is providing individual reports like this one to all claimants of small domestic and stock water rights in your area. A complete copy of the Director's Report, listing all of these small domestic and stock water rights claimed under both state and federal law, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

The following instructions and definitions are designed to help you understand this report.

## **INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT**

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

## **INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS**

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other small domestic and stock water rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims for domestic and stockwater under federal law. The Director does not investigate these claims and

makes no recommendation whether they should be granted or not. Sometimes the United States claims one right under both federal and state law. These are called "dual based" claims.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

## **INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT**

### ***What do I do if I disagree with a recommendation or a federal water right claim?***

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be received by the SRBA Court on or before September 10, 1999.

### ***What do I do if someone else objects to my water right recommendation?***

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before January 10, 2000.

### ***What do I do if I want to participate in the court case on someone else's water right?***

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

### ***What happens if there are no objections to a water right?***

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on November 12, 1999, at 10:00 A.M. at the SRBA Courthouse. Partial decrees will be issued following this hearing.

### ***How will I know about the proceedings on water right recommendations to which objections were filed?***

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. Additional information regarding domestic and stockwater claims in your area can be found on the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

**Note:** The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA. The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at [www.srba.state.id.us](http://www.srba.state.id.us).

## **CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE**

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

## **ADDITIONAL INFORMATION**

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR's state office in Boise. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication  
District Court**  
253 Third Avenue North.  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
(208) 736-3011

**Idaho Department of Water Resources**  
1301 North Orchard  
Box 83720  
Boise, Idaho 83720-0098  
(208) 327-7906  
(800) 451-4129

**Idaho Department of Water Resources  
Western Region**  
2735 Airport Way  
Boise, Idaho 83705-5082  
(208) 334-2190

**Idaho Department of Water Resources  
Northern Region**  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814-2615  
(208) 765-1450

**Idaho Department of Water Resources  
Southern Region**  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380  
(208) 736-3033

**Idaho Department of Water Resources  
Eastern Region**  
900 North Skyline, Suite A  
Idaho Falls, Idaho 83402-3653  
(208) 525-7161

**Idaho County Courthouse**  
320 W. Main  
Grangeville, ID 83530  
(208) 983-2751

**Payette County Courthouse**  
1130 3<sup>rd</sup> Ave. N.  
Payette, ID 83661  
(208) 642-6000

**Custer County Courthouse**  
801 Main St.  
Challis, ID 83226  
(208) 879-2360

**Adams County Courthouse**  
107 Michigan  
Council, ID 83612  
(208) 253-4561

**Valley County Courthouse**  
219 Main  
Cascade, ID 83611  
(208) 382-4297

**Lewis County Courthouse**  
510 Oak St.  
Nez Perce, ID 83543  
(208) 937-2661

**Washington County Courthouse**  
256 E. Court  
Weiser, ID 83672  
(208) 549-2092

**Lemhi County Courthouse**  
206 Courthouse Dr.  
Salmon, ID 83467  
(208) 756-3115

**Nez Perce County Courthouse**  
1230 Main St.  
Lewiston, ID 83501  
(208) 799-3040

## DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

**RIGHT NUMBER:** Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number, for example, 67, 69, 77, 78, or 79.

**NAME AND ADDRESS:** Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

**SOURCE:** The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

**QUANTITY:** The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY). Each of these small domestic and/or stock water claims is not to exceed 13,000 gallons per day.

**PRIORITY DATE:** The date used to determine the priority of your right in relation to other rights using water from the same source.

**POINT OF DIVERSION:** The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

Legal locations for instream flow claims are marked with a beginning point and an ending point.

**PURPOSE OF USE:** This report only deals with claims for small domestic and/or stock water uses, such as yours.

"Domestic right" means a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection with these uses, including irrigation of up to one-half acre of land.

"Stock water right" means a right to the use of water solely for livestock or wildlife.

**PERIOD OF USE:** The period of time during the year when you can use the water for your right.

**PLACE OF USE:** The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

**BASIS OF CLAIM:** The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

**DUAL BASED CLAIMS:** In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*****
```

*IDWR does not investigate or make recommendations regarding federal law based claims.*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

~~RETURN SERVICE REQUESTED~~

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



Forwarding Order Expired  
RETURN TO SENDER

## IMPORTANT WATER RIGHT INFORMATION



RECEIVED  
MAR 08 1999  
Department of Water Resources

AUTO 83330



AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-24-1997  
PAGE: A-39

RIGHT NUMBER: 37-10078

NAME & ADDRESS: ELLA STEWART  
1646 S 1625 E  
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1930

POINT OF DIVERSION: T05S R14E S26 SWSNW Within GOODING County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|----------------|-----------------|---------------|----------|
|                | DOMESTIC 1 HOME | 01-01 12-31   | 0.04 CFS |

PLACE OF USE: DOMESTIC Within GOODING County  
T05S R14E S26 SENW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PARCEL NO. RP05S14E264800A

Claim proofread by: Uto  
Date: 1030

D  
7-29-98

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: A37-10078  
Date Received: 6/06/1988  
Receipt No: 5060336  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ELLA STEWART 208-934-5012  
Address: 1646 SOUTH 1625 EAST  
GOODING, ID 83330

2. Date of Priority: JAN 01, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S      | 14E   | 26      | SW     | SE     | NW  |     | GOODING |

5. Description of diverting works:  
WELL & 3/4 H.P. SUBMERSIBLE PUMP

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE WITH YARD

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 05S      | 14E   | 26      | SE     | NW  |     | DOMEST |       |

11. Place of use in counties: GOODING

A37-10078

Page 1

Date: 06/06/88

MICROFILMED  
FEB 24 1993

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

13. Other Water Rights Used:  
NONE

14. Remarks:

STEWART FAMILY MOVED ON PLACE IN 1945 & WELL WAS IN USE PRIOR TO THEN. PRIORITY BEST ESTIMATE OF CLAIMANT.

15. Basis of Claim: BENEFICIAL USE  
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Ella Stewart Date: 6/6/88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 6th day  
of June 19 88

Mary A. Baldwin  
Notary Public

Seal

Residing at Gooding Ave  
My Commission Expires 10/16/1992

WATER RIGHT NUMBER - A37-10078

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (C) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
STEWART

ELLA

1 - 1646 SOUTH 1625 EAST

2 -

3 -

CITY- GOODING

STATE- ID ZIP- 83330

PHONE - 208-934-5012

+ - - PRIORITY DATE - - +  
01/01/1930+ - - - REGION - - - +  
ERROR IN REGION+ - - - STAGE - - - +  
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - - SOURCE - - - - - +  
GROUNDWATER

+ - - - - - TRIBUTARY - - - - - +

+ - - - - - POINT OF DIVERSION - - - - - +  
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

05S 14E 26 SW SE NW (47) GOODING

+ - - - - - WATER USE - - - - - +  
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +  
0.040 0.0+ - - - - - PLACE OF USE - - - - - +  
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

05S

14E

26

SE NW

NE 1/4 SW 1/4,  
NW 1/4 SE 1/4,

43

DOMESTIC

(47) GOODING

+ - - DIVERSION MEANS - WELL &amp; 3/4 H.P. SUBMERSIBLE PUMP SET 1/4 NW 1/4 S. of river

+ - - NON-IRRIGATION USE - D/ 1 HOUSE WITH YARD SW 1/4 NE 1/4 " " "

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +  
STEWART FAMILY MOVED ON PLACE IN 1945 & WELL WAS IN USE PRIOR TO  
THEN. PRIORITY BEST ESTIMATE OF CLAIMANT.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.+ - - - - - CONDITIONS OF APPROVAL - - - - - +  
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - - AUDIT FIELDS - 06/06/88 MERRITT 10/03/89 REFUNDML

MICROFILMED  
+ - DECREE  
00/000000 29 1994

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

11/28/91 03:04:13  
PAGE 2

PREFIX TRANSLATION: ADJUDICATION CLAIM

[illegible]

RP05514E264800A

DATA ENTRY  
ENTERED 11-2-93 MS  
CHECKED 2/6/94 MDM

"Verify By"  
Topo Map/Ortho-PQ  
ASCS Map  
Watermaster Records  
NAPP Photos  
Field Exam  
Other (See Remarks)  
County Records  
Witness Statement  
Project Records  
IDWR Records

VERIFIED  
FEB 10 1992

CERTIFIED  
MAR 24 1992  
WATER EXAMINER