



## 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

March 3, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

37-12121  
SERENA STEWART  
180 EAST AVE N  
KETCHUM ID 83340

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  
3842

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: 37-12121

NAME AND ADDRESS: SERENA STEWART  
180 EAST AVE N  
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

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

PRIORITY-DATE: 10/01/1978

POINT OF DIVERSION T04N R18E S31 SESE Within BLAINE County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|-------------------------------|-----------------|---------------|----------|
|                               | DOMESTIC 1 HOME | 01-01 12-31   | 0.02 CFS |

PLACE OF USE: DOMESTIC Within BLAINE County  
T04N R18E S31 SESE

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

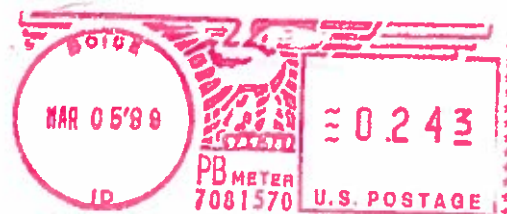
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
PARCEL NO. RP002300000020T

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

ADDRESS SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

ADDRESS UNKNOWN

RECEIVED

MAR 12 1989

Department of Water Resources

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).

**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

**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 southern region office in Twin Falls. 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

**Blaine County Courthouse**  
1<sup>st</sup> & Croy St.  
Hailey, ID 83333  
(208) 788-5525

**Camas County Courthouse**  
501 Solider Rd.  
Fairfield, ID 83327  
(208) 764-2242

**Gooding County Courthouse**  
624 Main St.  
Gooding, ID 83330  
(208) 934-4221

**Lincoln County Courthouse**  
111 W. B St.  
Shoshone, ID 83352  
(208) 886-7641

**Elmore County Courthouse**  
150 S. 4<sup>th</sup> E.  
Mountain Home, ID 83647  
(208) 587-2131

## 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, 37.

**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.*

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-1104

RIGHT NUMBER: 37-12121

NAME & ADDRESS: SERENA STEWART  
180 EAST AVE N  
KETCHUM ID 83340

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 10/01/1978

POINT OF DIVERSION: T04N R18E S31 SESE Within BLAINE County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|-------------------------------|-----------------|---------------|----------|
|                               | DOMESTIC 1 HOME | 01-01 12-31   | 0.02 CFS |

PLACE OF USE: DOMESTIC Within BLAINE County  
T04N R18E S31 SESE

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. RP002300000020T

D  
7-29-98

Claim proofread by: lw  
Date: 1103

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: A37-12121  
Date Received: 10/31/1988  
Receipt No: S003370  
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: SERENA STEWART 208-726-3000  
Address: 180 EAST AVE. N.  
KETCHUM, ID 83340

2. Date of Priority: OCT 01, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 18E   | 31      | SE     | SE     |     |     | BLAINE |

5. Description of diverting works:  
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) | A.F.A. |
|----------|-------|-------|--------|------|--------|
| DOMESTIC | 01/01 | 12/31 | 0.020  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 04N      | 18E   | 31      | SE     | SE  |     | DOMEST |       |

11. Place of use in counties: BLAINE

A37-12121

Page 1

Date: 10/31/88

MICROFILMED  
FEB 26 1989

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
GIMLET SUBD. LOT 2, BLK. 9

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**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 A37-12121

Date Received \_\_\_\_\_

Receipt Number 5003370

**NOTICE OF CLAIM  
TO A  
WATER RIGHT**

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) SERENA STEWART Phone ( 208 ) 726-3000Mailing Address 180 East Avenue North, Ketchum ID Zip 833402. Date of Priority (Only one (1) per claim) October 1, 19783. Source of water supply (a) GROUNDWATER  
which is tributary to (b) \_\_\_\_\_4. Location of point of diversion is: Township 04N Range 18ESection 31, 1/4 of SE 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_, B.M.,County of BLAINEAdditional points of diversion if any: N/A5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. \_\_\_\_\_WELL AND PUMP

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

(Both dates are inclusive)

(cfs)

For DOMESTIC purposes from 01-01 to 12-31 amount .02

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total quantity claimed .02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of  
livestock) ONE HOUSEHOLD -- W/O IRRIGATION

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

[illegible]

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (✓)

14. Remarks: GIMLET SUBD, LOT 2, BLOCK 9. THERE ARE SEVERAL LOCATIONS OF THIS SUBD. THIS ONE IS WEST OF THE HIGHWAY ADJOINING SEC. 6, T. 3N., R. 18E.

15. Basis of Claim (check one) Beneficial Use XXX Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

## Plaintiff vs Defendant

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

Signature of Claimant (s) Lorena Stewart Date \_\_\_\_\_

Date 10-17-85

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

of \_\_\_\_\_, Title \_\_\_\_\_, that I have signed the foregoing \_\_\_\_\_  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

|       |              |
|-------|--------------|
| Title | Organization |
|-------|--------------|

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

Signature of Authorized Agent \_\_\_\_\_

| Title and Organization | Date |
|------------------------|------|
|------------------------|------|

State of Idaho/or \_\_\_\_\_ )  
 ) ss.

County of Twin Falls

Subscribed and sworn (or affirmed) before me this 17th day of October 19 88

SEAL

Notary Public Mama West

Residing at Twin Falls, Idaho

My Commission Expires 9-21-93

Last Name STEWART Ident No. A37-12121

*Copies White-State, Yellow-Claimant*

MICROFILMED

FEB 26 1993

19 88

day of

October

Maria West

Twin Falls, Idaho

4-21-93

Idaho Department of Water Resources  
Adjudication Bureau  
Statehouse  
Boise, ID 83720



U.S. Postage  
Permit No.1  
Boise, ID 83720  
First Class

SERENA STEWART  
180 EAST AVE. N.

Department of Water Resources

KETCHUM ID 83340

UND 00 01068681 10/06/89  
NOTIFY SENDER OF NEW ADDRESS  
RETURN TO SENDER  
UNDELIVERABLE/UNKNOWN  
USPS USPS \*

## IMPORTANT WATER RIGHTS INFORMATION

### SPECIAL NOTICE TO CLAIMANTS OF SMALL DOMESTIC AND STOCKWATER RIGHTS IN THE SNAKE RIVER BASIN ADJUDICATION FOR MORE INFORMATION CALL (208) 334-2510

In the past, you filed a notice of claim to a water right for domestic and/or stockwater (D&S) use in the Snake River Basin Adjudication (SRBA). In response to concerns expressed by many members of the public as to the requirement to file a notice of claim for small D&S water rights in the SRBA, IDWR sought approval of a special procedure for the adjudication of such water rights. After lengthy negotiations with the U. S. Department of Justice, a special procedure was devised that will relieve small D&S users of the requirement to file a Notice of Claim for such water rights at this time. The District Court in the SRBA has approved this special procedure.

Since notices of claims may be filed, but are no longer required to be filed for small D&S water rights in the SRBA, persons who filed a claim for small D & S uses prior to the adoption of this special procedure may withdraw their notice of claim and obtain a refund of the filing fee. If you choose to withdraw your claim you will need the following information:

CLAIM NUMBER: A37-12121

CLAIM FEE:

\$25.00

RECEIPT NUMBER: S003370

WITHDRAWAL REQUEST MUST BE MAILED BEFORE 11/10/1989

1868

Please carefully read the following information to determine if your water right qualifies for the special procedure and if you wish to withdraw your notice of claim. If you do wish to withdraw your notice of claim, please complete the form on the last page of this notice and return it to the address shown on the back page by the date shown above.

MICROFILMED  
FEB 26 1993

If you do NOT withdraw your notice of claim, it will remain on file with IDWR for investigation, inclusion in the Director's Report, and inclusion in the decree of water rights, in accordance with the adjudication procedures set forth by statute. It is IDWR's recommendation that the best (and cheapest) way to assure the security of your small D&S water right is to NOT withdraw the claim and allow the right to be adjudicated. If you do NOT wish to withdraw your notice of claim to a small D&S water right, you need do nothing in response to this notice and you will be notified when your right is recommended to the court.

### **THE SPECIAL PROCEDURE FOR SMALL DOMESTIC AND STOCKWATER RIGHTS**

A notice of claim may, but is not required to be, filed for small D&S water rights in the SRBA at this time. The fee for filing a notice of claim to a small D&S water right at this time is \$25.00. If a notice of claim is filed at this time the claim will be reviewed as part of IDWR's investigation of water rights, included in the Director's Report which contains recommendations as to water rights to be decreed, and included in the district court's decree of water rights, in accordance with the adjudication procedures set forth by statute in Title 42, Chapter 14, of the Idaho Code.

A small D&S water right will not be forfeited and the priority date will not be lost if a notice of claim for the water right is not filed in the SRBA at this time. The owner of a small D&S water right may file a motion with the court to have the water right adjudicated when the need arises at a later date. ("Adjudicated" means determined by the district court and included in the district court's decree of water rights.) The procedure for adjudicating a small D&S water right at a later date is described in an order by the district court and is similar to the supplemental adjudication procedure set forth at Idaho Code 42-1405. If a motion to have a small D&S water right adjudicated is filed at a later date, the claimant will be required to bear the cost of filing the motion and serving notice of the motion and to pay IDWR's cost of investigating and preparing a report of the water right claimed. These costs are likely to be more than \$25.00.

Small D&S water rights will not be subject to distribution by a watermaster in a water district unless all of the small D&S water rights have been adjudicated, or unless the director of IDWR determines that distribution of small D&S water rights by the watermaster is necessary. ("Not subject to distribution by a watermaster" means that the watermaster will not shut off small D&S water rights to provide water for senior water rights, and will not shut off other water rights to provide water for a senior small D&S water right.)

If the director determines that distribution of small D&S water rights in a water district is necessary, then the owner of a small D&S water right that has not been adjudicated will be required to have the water right adjudicated in order to have it distributed by the watermaster. Also, the owner of a small D&S water right that has not been adjudicated will be required to agree to have it adjudicated before the owner can seek approval of a change of the water right (such as a change in point of diversion, change in place of use, change in nature of use, etc.)

There are two limitations that will apply when the owner of a small D&S water right files a motion with the district court in the SRBA to have the water right adjudicated at a later date. First, the water right owner will only be allowed to claim a water right that is within the definition of small D&S use, as defined by the adjudication statute. (The definition of small D&S use is discussed below.) Second, the extent of a small D&S water right is limited by actual beneficial use. There

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A37-12121

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

+ - FIRST NAME - - +

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

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

SERENA

1 - 180 EAST AVE. N.  
2 -  
3 -  
CITY- KETCHUM  
PHONE - 208-726-3000

STATE- ID ZIP- 83340

+ - - PRIORITY DATE - - +  
10/01/1978

+ - - - REGION - - - +  
ERROR IN REGION

+ - - - STAGE - - - +  
J - BENEFICIAL USE

+ - - - STATUS - - - - +

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

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

[illegible]

04N 18E 31 SE SE (13) BLAINE

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | WATER USE | DIVERSION RATE | DIVERSION VOLUME |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| 1    | 1           | 1           | 1         | 1         | 1              | 1                |

43 - DOMESTIC

01/01

12/31

0.020

| + - TOTAL DIV. RATE - + | + - TOTAL DIV. VOLUME - + | + - TOTAL DIV. CAPACITY - + | + - TOTAL CONSUMPTIVE USE - + | + - KW USAGE - + |
|-------------------------|---------------------------|-----------------------------|-------------------------------|------------------|
| 0.020                   |                           |                             | 0.0                           |                  |

| TWN | RNG | SEC | TRACT | LOT | ACRES | PLACE OF USE<br>CODE | DESCRIPTION | COUNTY |
|-----|-----|-----|-------|-----|-------|----------------------|-------------|--------|
|-----|-----|-----|-------|-----|-------|----------------------|-------------|--------|

04N 18E 31 SE SE

43 DOMESTIC

(13 ) BLAINE

+ - - DIVERSION MEANS - WELL AND PUMP

+ - - NON-IRRIGATION USE - D/ 1 HOUSE

+ - - OTHER RIGHTS FOR SAME USE - NONE

| + - - - - - |  | 9            | REMARKS       |  | + - - - - - |  |
|-------------|--|--------------|---------------|--|-------------|--|
|             |  | GIMLET SUBD. | LOT 2, BLK. 9 |  |             |  |

+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.

-----+  
 NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +  
00/00/0000

+ - - AUDIT FIELDS - 10/31/88 CLELLAND 10/03/89 REFUNDML

**MICROFILMED**  
**OCT 26 1994**

