

12/13/2006

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

RIGHT NUMBER: 1-162F

NAME AND ADDRESS: BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3250 N 87 ST
MESA AZ 85207

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.732 CFS

PRIORITY DATE: 08/13/1888

POINT OF DIVERSION:

T02N R37E S12 NWNENW Within BONNEVILLE County
T04N R37E S35 NENENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	5.732 CFS
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T01S R36E S09 NENE	9.80	T01S R36E S09 SENE 3.40
	T01S R36E S09 SESE	19.00	T01S R36E S10 NENE 3.30
	T01S R36E S10 SWNE	25.00	T01S R36E S10 SENE 36.00
	T01S R36E S10 NENW	3.10	T01S R36E S10 NWNW 12.00
	T01S R36E S10 SWNW	37.00	T01S R36E S10 SENW 39.00
	T01S R36E S10 NESW	36.00	T01S R36E S10 NWSW 35.00
	T01S R36E S10 SWSW	38.00	T01S R36E S10 SESW 31.00
	T01S R36E S10 NESE	40.00	T01S R36E S10 NWSE 34.00
	T01S R36E S10 SWSE	40.00	T01S R36E S10 SESE 40.00
	T01S R36E S11 SWNW	40.00	T01S R36E S11 SENW 39.00
	T01S R36E S11 NESW	28.00	T01S R36E S11 NWSW 40.00
	T01S R36E S11 SWSW	40.00	T01S R36E S11 SESW 14.00
	T01S R36E S11 NWSE	0.60	T01S R36E S14 NWNW 6.30
	T01S R36E S15 NENE	39.00	T01S R36E S15 NENE 35.00
	T01S R36E S15 SWNE	16.00	T01S R36E S15 SENE 26.00
	T01S R36E S15 NENW	39.00	T01S R36E S15 NWNW 30.00
	T01S R36E S15 SWNW	8.00	T01S R36E S15 SENW 6.30
	T01S R36E S15 NESE	20.00	T01S R36E S15 NWSE 20.00
	T01S R36E S16 NENE	16.00	T01S R36E S16 SENE 1.30

946.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 946.1 acres in a single irrigation season. Combined Right Nos.: 01-162F, 01-163F, 01-164F, and 01-165F.

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

This right is subject to a certain agreement between the right holder and the Rudy Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Great Western and Porter Canals.



Idaho Department of Water Resources

SRBA Recommendation:

1-162F

1-163F

1-164F

1-165F

(Irrigation)

Legend



Place of Use



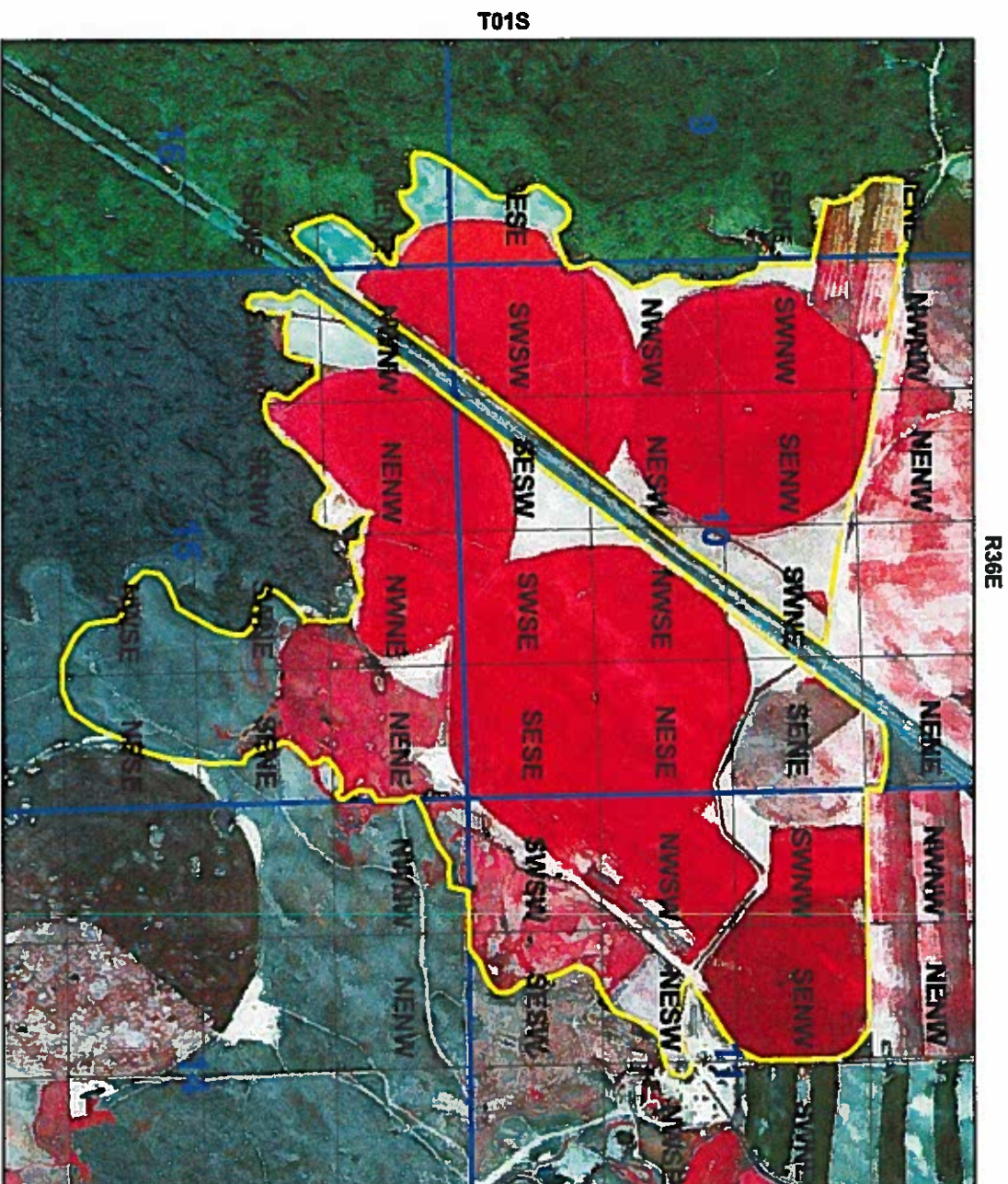
Townships



PLS Sections



Quarter Quarters



To: File
From: Kristin Moore
Subject: Brent Stolworthy Family Ltd Partnership
1-162F, 1-163F, 1-164F, 1-165F
Date: December 13, 2006

Brent and his son Shawn came in October 20, 2006 and we discussed the place of use. They described a field south of their farmland in Sec 15 that they said they irrigated. It looked questionable, but they said they did not irrigate it all the time, only periodically throughout the season. In the 1987 photography, the ditches are very distinct and it is obvious that they ran water down there. I had them draw for me the area that they irrigated in that field (map in 1-162F). We then reviewed the entire boundary and they confirmed that it looked correct as of their practices in 1987. However, they did install a pivot sometime in the mid-90s that filled in the ditches to the pasture. We discussed that they were going to have to file a transfer after the adjudication was done to move the water from the pasture to the pivot.

On December 13, 2006 Brent came back in after receiving the PDR. He was concerned that a pivot that they developed in the mid-90s was not covered by the POU we had agreed upon. After looking at the imagery for some time, Brent insisted that they irrigated a good portion of the current pivot in 1987 for pasture. He said they had 5,000 sheep that they pastured in Sec 14 and 15. The pasture in Sec 15 had been recommended already. However, the pasture in Sec 14 that he now claims was not agreed upon in October as part of the place of use in 1987. Further inspection of the imagery and topographic map shows that some of this new field is a hole in the ground and some of it is uphill. Brent said that the water runs off his fields into this "pasture" and that he also flooded it. He then informed me that they finally sold all of the sheep in 1980 because there was no money in it. Yet he had told me that they irrigated those pastures for the sheep in at least until 1987.

The claim map submitted in 1989 shows that only three acres of Sec 14 were irrigated. Brent's argument for the pasture in Sec 14 does not seem credible considering he did not make mention of its irrigation in the original claim or in our previous conversation about POU. Only after he discovered that the recommended POU does not cover his new pivot did he decide to claim that it has always been irrigated. Did not recommend any additional acres beyond what was previously agreed upon in October with the Stolworthys.

11/13/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-162F

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3250 N 87 ST
MESA AZ 85207

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/12/06

SIGNATURE:

Brent Stodworthy

Please print your name:

Brent Stodworthy

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMS
12/13



1-162F
1-163F
1-164F
1-165F
(Irrigation)



Prepared by C. Moore
On Monday, November 13, 2006
1987/88 Aerial Photography



NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

10-23-06

Master for 1-162F, 1-163F, 1-164F, 1-165F
NOTES

Place of use based upon claim map, field exam, and Brent + Sharon Stolworthy. They came in and we reviewed the POU as it was in 1987. The very southern part of the POU was irrigated periodically. That piece of ground is a pasture. They no longer practice this and will file for a transfer after adjudication is done. Diversion rates are recommended as claimed based on WDOI delivery records.

10-20-06

Brent Stolworthy
3250 N 87th St
Mesa AZ 85207



Brent Stolworthy
10/20/2006

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 645

646
That the above described water right is hereby transferred to the Rudy Irrigation Canal Company, Limited, by and through its Idaho State Agent, Edward Low, of Twin Falls, Idaho, in the owner of and using certain water rights described as being 10.87 cubic feet per second of the waters of Snake River, County of Jefferson, State of Idaho, with priority dates as follows:

01-0162	6.034 cubic feet per second, August 13, 1888 - 55.51 %
01-0163	1.818 cubic feet per second, June 1, 1889 - 16.73 %
01-0164	.846 cubic feet per second, June 1, 1900 - 7.78 %
01-0165	2.178 cubic feet per second, June 1, 1905 - 19.98 %

decreed to the Rudy Irrigation Canal Company, confirmed by decree of Judge Stevens, of the Sixth Judicial District of the State of Idaho, and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, Plaintiff,

vs.

TETON IRRIGATION COMPANY, ET AL., Defendants
Decree bearing date of December 16, 1910

being appurtenant to the following described real property, situate, lying and being in the County of Jefferson, State of Idaho (Water District No. 36), to-wit:

South Half Section 87, Township 4 North, Range 59 East, B. M.

THAT such corporation is the owner of Stock Certificate No. 617 for 180.11 shares of the capital stock of said Rudy Irrigation Canal Company, and as such is the owner of, and the party for whom such water was decreed, in trust, to said Canal Company

THAT the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, at Page 450.

THAT NOW, Upon the application of the Scottish American Mortgage Company, Limited, for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 10.87 cubic feet per second of the waters of Snake River is hereby abandoned upon the lands above described, and the place of use of water under such right, and to which the water hereby confirmed shall by this certificate become appurtenant for irrigation and domestic purposes, after a deduction of five per cent of said water rights have been abandoned to Snake River to compensate other water users for the loss caused by the change in point of diversion, is described as follows, limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

01-0162	5.732 cubic feet per second, August 13, 1888 - 55.51 %
01-0163	1.727 cubic feet per second, June 1, 1889 - 16.73 %
01-0164	.804 cubic feet per second, June 1, 1900 - 7.78 %
01-0165	2.063 cubic feet per second, June 1, 1905 - 19.98 %

N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15; SE $\frac{1}{4}$ Section 10; W $\frac{1}{2}$ Section 11; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; SW $\frac{1}{4}$ Section 5; S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10; and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10; all in Township 1 South, Range 36 East, B. M., Bingham County, Idaho

FA Stokeworthy + Sons

Remark for Rudy?

THIS IS NO GEN. A. DRAKE THE SCOTTISH WARRIOR

IDENTIFIED BY: NO. 1000
COLLUSION BY: NO. 1000
REMARKS: NO. 1000

THAT the above described water has heretofore been diverted in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, Township 4 North, Range 40 East, B. M., through the Rudy Irrigation Company's canal, and will hereafter, by authority of this Certificate, be diverted in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, Township 4 North, Range 37 East, B. M., through the Great Western Canal of the New Sweden Irrigation District.

THAT 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 the State of Idaho; and is also subject to a certain agreement between the applicant and the Rudy Irrigation Canal Company, said instrument being recorded in Jefferson County, Idaho.

WITNESS, the seal and signature of the State Reclamation Engineer
of the State of Idaho, this 14th day of April, A. D. 1943.

WITNESSES, THE SUPERVISOR OF THE DISTRICT OF ARIZONA, BY ROBERT
LAW, the Idaho State Agent, filed an application, pursuant to the provisions
of Section 41-316 of the Idaho Code, requiring the transfer of
the right of water to the State Reclamation Engineer
of the Great Western Canal, heading
on lands in Blaine County, and

Witness, pursuant to the provisions of the said Statute, appearing and said before the Commissioner of Documentation in the Courtroom of Justiceville County, Idaho Falls, Idaho, at 11:00 A. M. on the 12th day of December 1942, the contents of said hearing having been published in the Idaho State Record as follows: December 2 and December 10, 1942, and

Thereafter, pursuant to the writ above mentioned, a hearing was conducted at the time and place designated to which all persons interested in the proposed transfer were permitted to appear. Representing the petitioners were Attorneys Nelson L. Albough and John L. Bloom, while Attorney Frank A. Miller appeared on behalf of the protestants, the State Engineer and his counsel, and

[illegible][illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-162F

WATER RIGHT NUMBER: 1-162F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCOTTISH AMERICAN MORTGAGE CO C/O EDWARD LOW TWIN FALLS, ID 83301

Priority Date: 08/13/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	5.732 CFS	
	<u>Total Diversion:</u>	5.732 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L1 (NE1/4NE1/4)	Sec. 35, Twp 04N, Rge 37E, B.M.
JEFFERSON County		

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	
01S	36E	2										X							
01S	36E	3									X	X	X	X			X	X	
01S	36E	10	X	X			X								X	X	X	X	
01S	36E	11					X	X	X	X	X	X	X	X					
01S	36E	15	X	X															

24
x 40
960 ac max

Conditions of Approval:

1. TRANS. 646 - RT. IS LESS 5% LOSS TO RIVER.
RT. LIABLE FOR STOCK ASSESSMENTS IN RUDY IRRIGATION CANAL CO.
P/D GREAT WESTERN CANAL.
P/U INCOMPLETE.



Notes

Claims A01-162F, -163F, -164F + -165F

- 1/ Place of use verification exam done on 2-13-2004 with claimants son, SHAWN.
- 2/ Exam done by Harold W Jones of Water Rights Contracting Services
- 3/ Map in file A01-00162F

PROFILED

SCANNED

NOV 22 2004

New address &
phone #.

Brent Stedworthy
P.O. Box 1567
Idaho Falls, ID 83402

phone # 521-9931

Son is Shawn Stedworthy &
he is local @ 357-7837



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 4, 2002

BRENT STOLWORTHY
BRENT STOLWORTHY FAMILY LTD. PARTNERSHIP
PO BOX 1567
IDAHO FALLS, ID 83703

RE: Snake River Basin Adjudication (SRBA) *the bar code*
Notices of Claim to a Water Right #1-162, 1-163, 1-164, 1-165, *F F F F*
35-2759, 35-8799, 35-8800, 35-9053 and
Water Rights #35-13067 and 35-10300

Dear Mr. Stolworthy:

Thank you for your note regarding the address change for Brent Stolworthy Family Ltd. Partnership and Gerald Stolworthy Family Ltd. Partnership.

The address for Brent Stolworthy Family Ltd. Partnership was updated in 2001 to the address shown above. I was unsuccessful at finding any reference to Gerald Stolworthy. If he has purchased property and water right(s) he will need to submit an ownership change form. I have enclosed that form for his possible use.

Please call me at 208/327-7862 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Form 42-248/42-1409(6)

PROFILED

SCANNED

NOV 22 2004

Please Change my Mailadress
To P.O. Box 1567 Idaho Falls, Idaho
83403

^{21P}
⁵⁶⁶⁰⁸
^{already}
^{OK.} This would be For
Brent Stoltworthy Family Ltd. Partnership
& Gerald Stoltworthy Family Ltd Partnership
↑ Records 4-4-02

RECEIVED
APR - 3 2002
Department of Water Resources

Brent Stoltworthy
General Partner

1-162 35-2759
1-163 35-8799
1-164 35-8800
1-165 35-9053

35-13067 P.O.
35-10300 P.O.

PROFILE
SCANNED

NOV 22 2004

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

PURPOSE AND
PERIOD OF USE:

946.8 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through the Great Western and Porter Canals.

1044

AUG 21 2001

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: A01-00162F
Date Received: 1/24/1989
Receipt No: E005107
Received By: SN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRENT STOLWORTHY FAMILY LIMITED PARTNER. 208-529-3891
Address: C/O BRENT STOLWORTHY
3669 S. HOLMES
IDAHO FALLS, ID 83404

2. Date of Priority: AUG 13, 1888

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	37E	35	NE	NE	NE	1	JEFFERSON

5. Description of diverting works:
GREAT WESTERN CANAL, CARRYING AGREEMENT W/ NEW SWEDEN IRR. CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.732		

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

8. Total consumptive use is 2485.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	36E	9	NE	NE		IRR	13.0
			SE	NE		IRR	2.0

A01-00162F

Page 1

Date: 01/25/89

A0100162F



MICROFILMED

OCT 19 1992

10. Place of Use: Continued

Township 01S	Range 36E	Section 9	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 12.0
					Section Acres		27.0
		10	NE	NE		IRR	4.0
			SW	NE		IRR	36.0
			SE	NE		IRR	37.0
			NE	NW		IRR	3.0
			NW	NW		IRR	11.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	37.0
			SW	SW		IRR	38.0
			SE	SW		IRR	36.0
			NE	SE		IRR	40.0
			NW	SE		IRR	34.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		476.0
		11	SW	NW		IRR	40.0
			SE	NW		IRR	38.0
			NE	SW		IRR	22.0
			NW	SW		IRR	40.0
			SW	SW		IRR	28.0
			SE	SW		IRR	8.0
					Section Acres		176.0
		14	NW	NW		IRR	3.0
					Section Acres		3.0
		15	NE	NE		IRR	37.0
			NW	NE		IRR	38.0
			SW	NE		IRR	18.0
			SE	NE		IRR	26.0
			NE	NW		IRR	40.0
			NW	NW		IRR	33.0
			SW	NW		IRR	10.0
			SE	NW		IRR	6.0
			NE	SE		IRR	20.0
			NW	SE		IRR	20.0

MICROFILMED

OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	36E	15	SW	SE		IRR	20.0
			SE	SE		IRR	30.0
						Section Acres	298.0
		16	NE	NE		IRR	13.0
			SE	NE		IRR	1.0
						Section Acres	14.0
						Total Acres	994.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
01-0163F/0164F/0165F.

14. Remarks:

TRANS. 646 - RT. IS LESS 5% LOSS TO RIVER.
RT. LIABLE FOR STOCK ASSESSMENTS IN RUDY IRRIGATION CANAL CO.
P/D GREAT WESTERN CANAL.
P/U AS IS CURRENTLY DELIVERED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Managing Partner of _____ Title

Brent Stolworthy, General Limited Partner that I have signed the foregoing document in the space below as Managing of _____ Title

Brent Stolworthy, General Limited Partner and that the statements contained in the foregoing document are true and correct. _____ Signature of Authorized Agent

Managing Brent Stolworthy, General Limited Partner Title and Organization

Feb 8 1989 Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of February 19 89

[Signature]
Notary Public

Seal

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994

T
1
S

2
6
R
36
E

AOI -

~~AOI~~ - 00162F
- 00163F
- 00164F
- 00165F

1029
994

PERIODICALLY
IRRIGATED
PASTURE
CROPPED
WHEAT
(BARLEY)

A35-10300

POTATO CELLAR
WELL
OFFICE
2 House
Store - 8000
Shops
1948

MICROFILMED
OCT 19 1992