

09/09/2011

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

RIGHT NUMBER: 22-537C

NAME AND ADDRESS: STEWART DITCH
C/O REED ASHCRAFT
2373 E 214 N
ST ANTHONY ID 83445

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 8.310 CFS

PRIORITY DATE: 04/01/1898

POINT OF DIVERSION:

T07N R41E S30 NESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	8.310 CFS

PLACE OF USE:

363 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Stewart Ditch.

The rights listed below are limited to the irrigation of a combined total of 363 acres in a single irrigation season. Combined Right Nos.: 22-537C, 22-538C, 22-13164, 22-14011, 22-14012, and 22-14013.

Right Nos. 22-537C and 22-538C are limited to the irrigation of a combined total of 133 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: BASIS OF CLAIM - Decreed

This right is former right no. 22-537A.

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

Water is delivered through Stewart Canal.

A-J CLAIM 22-537C

- COMBINES 22-537 A+B
- SAYS CANAL DID NOT APPROVE THE XFR 2063
- CLAIMED 10 CFS
400 AC
4/1/1898 PRIORITY

WD 1 records show delivery of 1.69 cfs of 22-537 to Parkinson Farms pumps. Does not appear to have been claimed by Parkinsons.

T2063 Remainder of Stewart rights limited to 133 acres because 27 of the 160 ac decreed was transferred off.

WD 1 book shows that Cal Olsen used the pumps in 1979 for delivery of XFR 2063.

RECEIVED

JUL 27 2006

DEPARTMENT OF
WATER RESOURCES

Stewart Ditch Co.
2973 E. 214 N.
St. Anthony, ID 83445

Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

To Whom It May Concern:

The Board of Directors of the Stewart Ditch Co. has deemed that the service area boundary of the Stewart Ditch Co. is illustrated accurately, without modifications, and in its entirety on the map(s) created by Danielle Favreau on June 26, 2006. Additionally, the previously identified map(s) accurately illustrate the location of land serviced by the company as of 1987. We understand that in the process of finalizing the SRBA recommendations, these maps may be adjusted.

Reed W. Ashcraft
Signature

July 3rd 2006
Date

Reed W. Ashcraft
Printed Name

President (Stewart Ditch)
Title

CANAL																															
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL	
FALL RIVER CANALS																															
YELLOWSTONE																															
MARYSVILLE	125	125	134	142	151	153	153	189	189	191	205	213	208	203	198	194	190	190	180	180	180	180	180	180	180	170	160	150	140	96	
TOTAL ABOVE SQUIRREL	125	125	134	142	151	153	153	189	189	191	205	213	208	203	198	194	190	190	180	180	180	180	180	180	180	170	160	150	140	5,128	
FARMERS OWN	41	44	44	51	59	60	64	70	76	82	90	90	88	88	95	92	87	76	76	75	75	87	92	92	86	74	64	44	64	5,224	
ALMY																															
ENTERPRISE	0	25	50	55	60	65	84	104	120	137	140	144	147	146	145	150	154	152	150	149	150	151	154	160	150	140	130	129	128	5	
BELL	3	5	7	9	9	10	10	10	10	10	10	10	9	8	8	9	9	9	8	8	8	9	9	9	9	7	5	3	2	2	
FALL RIVER	219	249	251	251	263	282	287	290	304	294	297	153	202	217	258	238	238	212	212	212	210	219	233	238	256	217	106	142	154	6,876	
MC BEE	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	59	
CHESTER	59	72	74	75	76	77	78	78	77	79	81	79	77	75	80	84	86	87	86	86	85	86	87	86	86	80	76	72	69	66	
SILKEY	26	27	27	27	27	27	27	26	24	23	22	21	20	21	20	20	20	21	20	20	20	20	20	20	19	16	14	11	12	13	
CURR																															
TOTAL SQUIRREL TO CHESTER	349	398	429	464	511	567	610	633	669	683	714	550	612	616	639	648	647	615	601	597	594	607	643	666	675	649	562	404	427	17,247	
HENRYS FORK CANALS																															
DEWEY	31	29	29	29	29	29	28	27	28	28	28	27	27	27	27	25	23	23	24	24	22	21	21	21	21	21	21	21	21	18	
LAST CHANCE	94	88	88	88	133	153	142	153	164	166	169	162	158	153	153	153	96	96	95	93	92	92	93	112	93	86	79	72	72	71	
CROSS CUT	154	147	150	153	157	163	168	168	169	161	153	168	182	198	194	187	165	143	136	131	126	145	164	150	135	114	92	71	98	124	
ST. ANTHONY UNION	572	520	529	508	508	504	516	516	546	533	529	537	518	489	464	438	404	369	392	415	438	457	476	385	318	251	184	288	393	13,417	
FARMERS FRIEND	204	206	205	211	215	223	245	246	215	209	204	191	169	157	151	147	88	84	80	77	77	88	114	131	112	125	0	33	33	33	
TWIN GROVES	192	192	192	195	195	195	192	197	192	182	175	170	166	157	157	157	132	130	134	139	132	128	112	70	68	68	66	4,529	4,279		
SALEM UNION	267	294	294	294	266	262	259	301	309	317	271	271	258	240	229	195	112	114	112	109	214	291	296	313	235	157	79	119	139	6,923	
TOTAL ASHTON TO ST. ANTHONY	1514	1476	1487	1478	1503	1529	1551	1609	1622	1596	1543	1538	1483	1430	1380	1338	1130	959	972	982	996	1212	1298	1268	1187	1011	669	527	697	844	
EGIN	370	373	375	377	376	376	375	368	360	354	341	333	319	305	292	278	258	238	248	259	270	281	292	272	253	208	163	118	148	178	
ST. ANTHONY UNION FEEDER	105	100	100	102	96	106	99	103	97	96	92	94	88	82	66	51	45	39	44	50	56	60	63	49	35	24	12	0	22	43	
INDEPENDENT	426	423	423	423	424	426	427	418	410	388	388	375	362	348	321	306	279	272	306	308	310	344	348	348	298	189	130	180	222	249	
CONSOLIDATED FARMERS	333	340	342	323	340	357	374	340	306	265	224	224	224	198	171	122	72	96	119	142	175	208	156	104	105	105	106	106	106	6,327	
TOTAL ST. ANTHONY TO REXBURG	1234	1256	1240	1225	1236	1265	1275	1229	1173	1103	1051	1024	993	959	877	806	704	621	694	736	778	862	911	825	690	526	410	404	498	576	
TETON RIVER CANALS																															
SIDDOWAY	0	4	8	11	14	15	16	17	15	13	16	18	14	10	11	11	12	12	12	13	14	17	20	18	16	15	13	12	12		
WILFORD	187	188	179	184	189	208	228	248	228	209	208	207	186	165	165	165	120	75	102	128	155	180	205	206	207	162	124	83	78	392	
TETON IRRIGATION	43	34	30	32	38	31	52	73	53	67	69	73	63	80	67	60	96	80	83	75	70	77	80	87	91	90	70	68	83	78	
GOOD LUCK	1	20	39	34	30	28	28	26	24	18	12	15	18	11	12	6	1	1	1	1	1	1	1	1	1	1	1	1	1	1,999	
PIONEER	0	10	19	18	18	28	28	28	33	31	29	29	29	16	4	5	6	7	5	3	3	3	18	34	28	22	15	7	0	327	
STEWART	54	56	58	40	21	27	32	31	53	69	68	66	52	39	36	32	29	30	31	34	38	41	42	42	42	40	38	36	34	446	
PINCOCK-BYINGTON	28	26	25	24	24	24	25	25	26	26	26	26	26	20	14	15	15	16	16	16	16	16	16	16	16	16	19	22	26	1,259	
PINCOCK-GARNER	20	22	23	22	22	23	25	26	28	31	32	33	26	19	20	21	22	22	21	20	20	19	22	25	26	27	26	26	26	622	
GARDNER																														722	
TETON ISLAND FEEDER	628	554	480	535	543	535	535	516	537	541	562	558	554	457	491	474	424	372	319	339	359	376	450	524	440	353	319	283	247	36	
NORTH SALEM	12	12	13	13	13	12	11	10	10	12	14	14	15	10	6	2	4	5	9	12	16	10	11	10	10	10	9	9	9	13,551	
ROXANA	32	34	36	31	40	42	44	47	36	26	32	39	56	21	21	20	22	23	21	20	18	18	17	14	11	8	4	0	9	313	
ISLAND WARD	53	28	4	11	18	24	30	36	40	44	58	71	50	28	6	8	10	8	6	14	22	31	55	79	73	67	47	27	7	753	
WOODMANSEE-JOHNSON	53	50	47	48	48	49	50	51	51	54	57	52	46	46	54	61	57	53	51	48	45	48	52	59	66	58	50	42	48	961	
EAMES-THOMPSON																														1,545	
MC CORMICK-ROWE	25	26	27	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	26	0	
CITY OF REXBURG	32	45	48	47	46	46	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	547	
REXBURG IRRIGATION	318	309	303	294	291	299	293	283	277	276	314	306	328	274	280	257	276	317	289	250	267	281	286	318	320	259	240	222	216	968	
SAURY-SOMMERS	9	16	22	21	20	19	19	18	19	20	21	22	11	0	6	12	17	8	0	4	9	13	6	0	15	10	5	0		8,558	
TOTAL TETON RIVER	1495	1434	1361	1391	1402	1438	1489	1519	1496	1495	1589	1595	1513	1229	1232	1185	1199	1112	975	1021	1082	1135	1284	1439	1391	1205	1098	947	825	807	38,483

[illegible]

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
2063	Stewart, Samuel	10.0		22-0537
	Olsen, Cal M.	1.69		22-0537B
	Stewart, Samuel	8.31		22-0537A

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09/12/2006

**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: 22-537C

STEWART DITCH
C/O REED ASHCRAFT
2373 E 214 N
ST ANTHONY ID 83445
Telephone Number: (208)458-4420

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: 10-4-06 SIGNATURE: Reed W. Ashcraft

Please print your name: Reed W. Ashcraft

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

Handwritten:
Kurt
10/20



Idaho Department of Water Resources

SRBA Recommendation:

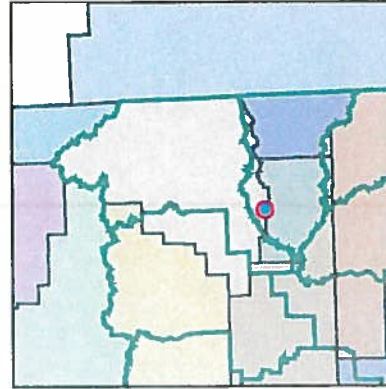
R40E

Stewart Ditch Company
Service Area Boundary
Irrigated Acres = 362.5

(Irrigation)

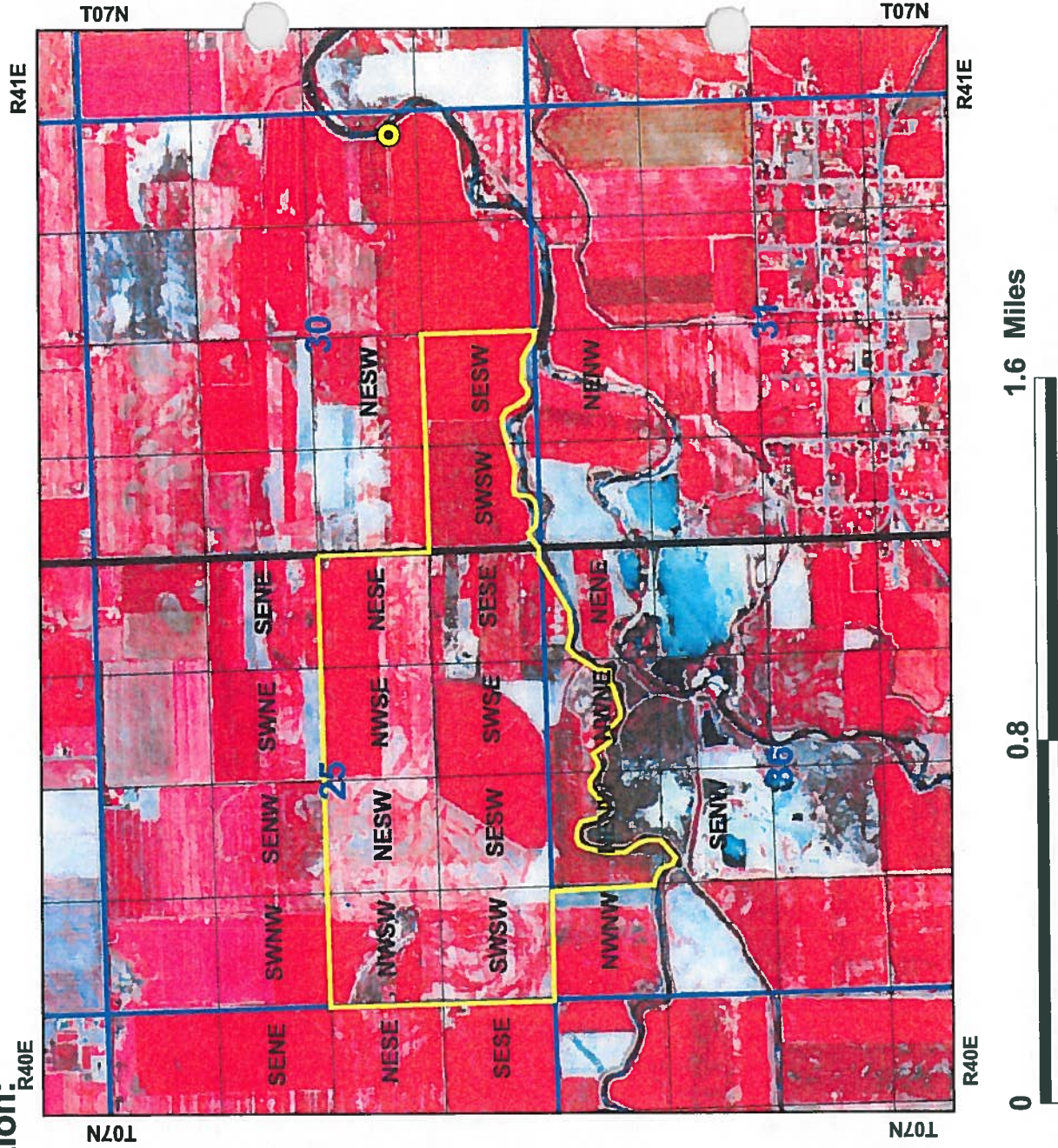
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Fremont County
IDWR Basin 22

Prepared by T. Galbraith
On Tuesday, September 12, 2006
1987/88 Aerial Photography



05/19/2005

**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:

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STEWART DITCH
C/O REED ASHCRAFT
2373 E 214 N
ST ANTHONY ID 83445
Telephone Number: (208)458-4420

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: 7-13-05 SIGNATURE: Reed W. Ashcraft
Please print your name: Reed W. Ashcraft

IDWR Regional Office,

RECEIVED

JUL 18 2005

SCANNED Department of Water Resources
Eastern Region

JUL 22 2005

PROFILED

11/17/05

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

22-537 WAS SPLIT BY TX #2063 INTO A AND B.

A, 8¹/₂ cfs; B, 1¹/₂ cfs

SRBA CLAIMS WERE FILED AS:

22-537B, 1.69 cfs - Temp Status

22-537C, 10⁰ cfs - Stearns CanalRecommendation as 22-537C, 10⁰ cfs

RT COMBINOS WR parts A and B.

Rommak

Reviewer: _____ Date: _____

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SCANNED
JUN 09 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 4/1/1898 Claimed Basis: Decreed

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matches & Decree

Reviewer: _____

PROFILED

Data: _____
SCANNED
JUN 09 2005



GPS TAG

Stewart Canal, Looking East

GPS TAG # A0000284, located on gate, GPS File - STEWAR

GPS data - 208 7962
1413930

SCANNED
JUN 09 2005

PROFIL

Stewart Ditch

SRBA Water Right claims:

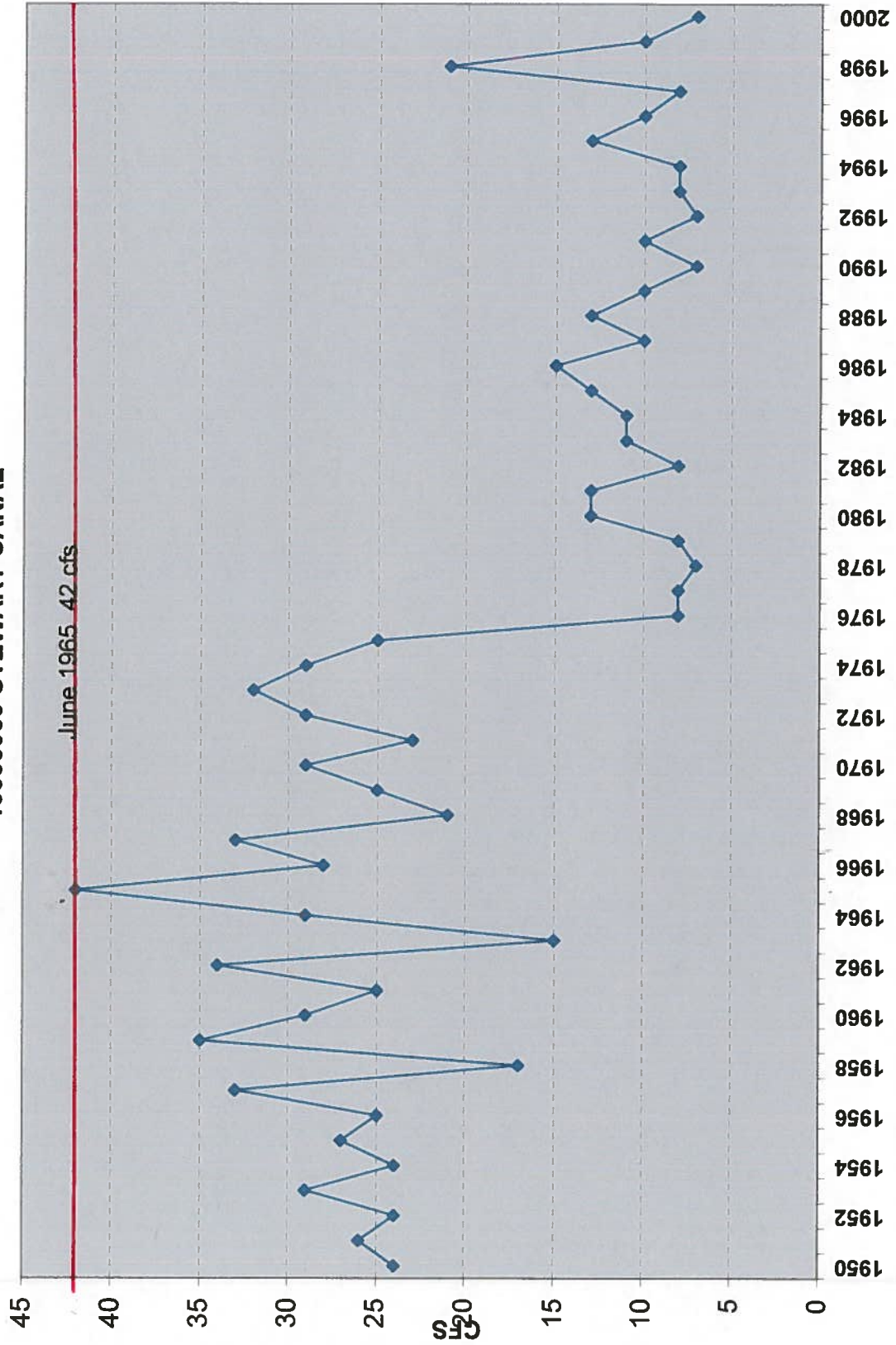
<u>Water Right</u>	<u>Priority Date</u>	<u>CFS</u>	
22-13164	05/01/1883	3.77	Split portion of SRBA claim 22-12648 (part of original decree 22-692).
22-538C	06/01/1884	5.00	
22-12647	04/01/1898	30.00	WD-01 recognizes right as 22-657 (renumbered from 01-332). There is no WR record of 22-657.
22-537C	04/01/1898	10.00	3.23 cfs recommended, 6.77 cfs disallowed to partial forfeiture 1965 to present
22-13162	04/01/1898	7.54	Split portion of SRBA claim 22-12646 (part of original decree 22-693). Disallowed – Forfeiture from 1965 to present.
22-632	12/01/1903	2.08	Disallowed – Forfeiture from 1965 to present.

Peak historic diversion June 1965, 42 CFS

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SCANNED
JUN 09 2005

MAXIMUM MONTHLY DIVERSION 1950-2000
13055060 STEWART CANAL



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 JUN 09 2005

147 Hatch, Mary E.; July 15, 1896; Trail Creek	40
148 Cherry, Thomas; July 30, 1896; Trail Creek	80
149 Sinclair, Jesse; Aug. 13, 1896; Trail Creek	160
151 Lindsay, William; Apr. 1, 1897; South Leigh Creek...	160
153 Williams, Charles; May 15, 1897; South Leigh Creek...	60
154 Parker, B. F.; June 1, 1897; Fox Creek	120
154 Pendleton, Abraham; June 1, 1897; North Leigh Creek	80
154 Penfold, Alferoy; June 1, 1897; Fox Creek	100
154 Penfold, Farley; June 1, 1897; Fox Creek	100
154 Larsen, A. C.; June 1, 1897; Darby Creek	20
154 Thompson & Egbert; June 1, 1897; North Leigh Creek	70
154 Smith, D. G. S.; June 1, 1897; South Leigh Creek....	120
154 Vail, W. C.; June 1, 1897; Fox Creek	120
154 Vail, W. C.; June 1, 1897; Fox Creek	100
154 Waterman, L. C.; June 1, 1897; South Leigh Creek....	120
154 Hopkins, D. H.; June 1, 1897; South Leigh Creek....	60
Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897; Darby Creek	1,380
154 Zimmerman, Zuel; June 1, 1897; South Leigh Creek...	30
154 Little, George A.; June 1, 1897; North Leigh Creek...	120
154 Little, George E.; June 1, 1897; South Leigh Creek...	80
154 Moffat, Andrew; June 1, 1897; South Leigh Creek and Swamps	140
154 Perry, Jeremiah C.; June 1, 1897; North Leigh	80
154 Ronche, Jacob; June 1, 1897; North Leigh Creek....	90
154 Henrie, John; June 1, 1897; North Leigh Creek....	150
154 Henrie, Joseph O.; June 1, 1897; South Leigh Creek...	120
154 Hill, Albert; June 1, 1897; Darby Creek	75
154 Gale, Joseph; June 1, 1897; South Leigh and Swamps	40
154 Cluff, Charles; June 1, 1897; Fox Creek	10
154 Davidson, J. H.; June 1, 1897; South Leigh Creek....	80
154 Crandall, H. L.; June 1, 1897; Darby Creek	20
154 Cannon, Harry L.; June 1, 1897; Darby Creek	100
154 Bush, Geo. W.; June 1, 1897; Darby Creek	20
154 Bowles, William; June 1, 1897; Trail Creek	160
154 Edwards, Andrew; June 1, 1897; Trail Creek	50
154 Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the water of Cherry Creek Springs	50
Guyman, Edward; June 10, 1897; South Leigh Creek...	120
Porter, John; June 15, 1897; Trail Creek	75
156 Moffat, Mary; June 15, 1897; Leigh Creek	80
156 McCracken, John; June 15, 1897; South Leigh Creek...	160
156 McCracken, James; June 15, 1897; South Leigh Creek...	156
156 Van Leven, William; June 15, 1897; South Leigh Creek	160
157 Henrie, James D.; June 20, 1897; Leigh Creek	130
159 Homer, Willard G.; June 24, 1897; South Leigh Creek.	160
162 Jones, Joshua; Oct. 28, 1897; Trail Creek	100
163 Clark & Houghton; Apr. 1, 1898; Teton River	200
163 Good Luck Canal Co.; Apr. 1, 1898; Teton River	1,300
163 Hill Ditch Co.; Apr. 1, 1898; Teton River	600
163 Rowe, Reuben H., and Morris McCormick; Apr. 1, 1898; Teton River. (Trough McCormick & Rowe Ditch)	430
163 Ricks, Wallace; Apr. 1, 1898; North Leigh Creek	40
163 Rexburg Irrigation Co.; Apr. 1, 1898; Teton River	8,500
163 Pioneer Ditch Co.; Apr. 1, 1898; Teton River	900
163 Pincock Byington Ditch Co.; Apr. 1, 1898; Teton River	700
163 Windmill, Richard, and Richard Withers and Oscar B. Young; Apr. 1, 1898; Teton River. (Eckersell Canal)	434
163 Wilford Irrigation & Manufacturing Co.; Apr. 1, 1898;	

SCANNED

JUN 05 2005

PROFILE

163 Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; Apr. 1, 1898; Teton River	6,608
163 Walters, William; Apr. 1, 1898; Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson)	500
163 Siddoway Irrigation and Manufacturing Co.; Apr. 1, 1898; Teton River	332
163 Teton Island Canal Co.; Apr. 1, 1898; Teton River....	764
163 Bird, Martin L., F. W. Garner and George A. Pincock; Apr. 1, 1898; Pincock-Garner Ditch	7,982
163 Eames, John S.; Apr. 1, 1898; Teton River	800
163 Nelson, David; Apr. 1, 1898; Teton River. (Through Nelson-Jacobs Ditch.)	50
163 Mortensen, Christian; Apr. 1, 1898; Teton River. (Through the Nelson-Jacobs Ditch.)	434
163 Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River	218
163 City of Rexburg; Apr. 1, 1898; Teton River. (For power and municipal purposes.)	1,380
163 Huskinson, William J.; Apr. 1, 1898; Teton River....	1,650
164 Nelson, Fritz E.; Apr. 15, 1898; Spring Creek	50
165 Lamoreaux, Francis A., and Ann; May 1, 1898; South Leigh Creek	120
166 Hendrickson, Frank; May 1, 1898; Badger Creek....	25
167 Clark, H. J.; May 15, 1898; Teton River	160
168 Wait, F. A.; May 25, 1898; Leigh Creek	160
169 Edwards, Andrew; June 1, 1898; Trail Creek	40
169 Edwards, Andrew; June 1, 1898; Trail Creek	40
169 Felt, Clara V.; June 1, 1898; Badger Creek	50
169 Bruce, Daniel C.; June 1, 1898; Teton Creek....	160
169 Black, Joseph A.; June 1, 1898; South Leigh Creek...	150
169 Allen, Amos; June 1, 1898; Fox Creek	50
169 Cherry, Thomas; June 1, 1898; Trail Creek	80
169 Crandall, H. L.; June 1, 1898; Darby Creek	60
169 Davidson, J. H.; June 1, 1898; South Leigh Creek...	20
169 Cluff, Charles; June 1, 1898; Fox Creek	80
169 Hamilton, Robert; June 1, 1898; Badger Creek	150
169 Guyman, Edward; June 1, 1898; South Leigh Creek...	160
169 Fullmer, H. D.; June 1, 1898; North Leigh Creek...	40
169 Fullmer, Almond L.; June 1, 1898; North Leigh Creek...	160
160 Hendrickson, Alvera E.; June 1, 1898; South Leigh Creek	120
169 Hendrickson, Alfred; June 1, 1898; Badger Creek....	60
169 Hearst, H. T.; June 1, 1898; Leigh Creek	40
169 Hanson, Alfred; June 1, 1898; North Leigh Creek...	160
169 Poulsen, J. C.; June 1, 1898; North Leigh Creek...	40
169 Rammell, George; June 1, 1898; Badger Creek	130
169 Merrill, Sam J.; June 1, 1898; Leigh Creek	20
169 Ramell, C. H.; June 1, 1898; Badger Creek	160
169 Little, George E.; June 1, 1898; North Leigh Creek...	30
169 Hopkins, Ezekiel; June 1, 1898; South Leigh Creek...	80
169 Zimmerman, Zuel; June 1, 1898; South Leigh Creek...	80
169 Hopkins, D. H.; June 1, 1898; South Leigh Creek...	130
169 Hoozier, John L.; June 1, 1898; Spring Creek	60
169 Homer, Benjamin P.; June 1, 1898; Mahogany Creek...	120
169 Holden, E. H.; June 1, 1898; Darby Creek	15
169 Hochstrasser, R. H.; June 1, 1898; Spring Creek....	160
169 Hochstrasser, N. W.; June 1, 1898; Spring Creek	40
	50

MEMORANDUM

DATE: May 1, 2001
 TO: Harold Jones
 FROM: Ron Carlson *RDC*
 RE: Application for Transfer 69049

I have three questions concerning the above referenced change of water rights.

- WD1 records show the following rights for the Stewart Ditch:

Roueché & Rice (Supp. Decree)	May 1, 1883	4.00 cfs
S. Stewart Estate	June 1, 1884	5.00 cfs
S. Stewart Estate	April 1, 1898	10.00 cfs
Roueché & Rice (Supp. Decree)	April 1, 1898	8.00 cfs
W.D. Hollist (Supp. Decree)	Dec. 1, 1903	2.08 cfs
	Apr. 1, 1939	<u>30.00 cfs</u>
		59.08 cfs

WD 1 recent compilation of records show the following rights for the Stewart Ditch:

22-00000 (A22-12648)	May 1, 1883	4.00 cfs	-13164 T69049
22-00000 (A22-12646)	May 1, 1898	8.00 cfs	?
22-00538 A	June 1, 1884	4.16 cfs	✓
22-00537 A	Apr. 1, 1898	8.31 cfs	✓
22-00632	Dec. 1, 1903	2.08 cfs	
22-00657	Apr. 1, 1939	<u>30.00 cfs</u>	claimed?
		56.55 cfs	

A copy of the rights claimed in the adjudication is attached. The total of the claim is 59.08 cfs. The important issue is – the claim was filed as a canal company not as individuals who shared a ditch as common conveyance convenience. It is not clear to me that the Stewart Ditch Co. is the entity initiating this transfer. This should be confirmed.

- It seems strange that two of the oldest rights were singled out for transfer. I suppose that is OK if there is general agreement.
- It is not clear that the Wilford Canal has agreed to carry the water being transferred. Will the Wilford Canal be simply carrying the water for Dick Hill and Meloay Barney or will the Wilford issue shares of corporate stock to Hill and Barney? Is the intent of this transfer is to transfer the equivalent of the shares of stock held by these two users to the Wilford, I am not sure this accomplishes that.

It appears that transfr #2063 may not have taken place + all the right is back with the Stewart Ditch Comp. 5-3-01

SCANNED
 JUN 09 2005

SD-0601-2 Last Name: STEWART DITCH

STATE

S	O						
E	First	W	Water	Priority	Total	Use	
L	Name	N	Right No.	Date	Diversion	Code Desc	

STEWART DITCH

C A22-00537C	04/01/1898	TETON RIVER	10.000	01	IRR
C A22-00538C	06/01/1884	TETON RIVER	5.000	01	IRR
C A22-00632	12/01/1903	TETON RIVER	2.080	01	IRR
C A22-12646	04/01/1898	TETON RIVER	8.000	01	IRR
C A22-12647	04/01/1898	TETON RIVER	30.000	01	IRR
C A22-12648	05/01/1883	TETON RIVER	4.000	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

ROUTED

SCANNED
JUN 09 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

RECEIVED
AUG 29 1977

APPROVED

Department of Water Resources
Eastern District Office

Name of applicant Cal M. Olsen Phone 485-4462
Post office address Rt. #1, St. Anthony, ID 83445

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Samuel Stewart, Estate of, by Mary H. Birch Adminx. & Mary H. Birch
(Name)
in case of Rexburg Irrigation Co. et al vs Teton Irrigation Co. et al
dated 12/16/1910 in 6th Judicial Court county of Fremont
(Name of court)

b. License No. issued by the Idaho Department of Water Resources

c. Claim No. on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Applicant purchased land from Mary S. Orgill daughter of Samuel Stewart original owner

3. Source of water Teton River tributary to Snake River

4. Date of priority 22-0537, 22-0538
4-1-1898, 6-1-1884

5. Water is used for the following purposes:

22-0537 amount 10.0 for irrigation purposes from Apr. 1 to Nov. 1
22-0538 amount 5.00 for irrigation purposes from Apr. 1 to Nov. 1
amount for purposes from to
(month/day - both dates inclusive)

6. Total amount of water under right: a. 15 cubic feet per second
&/or
b. acre feet per annum

7. Location of original point of diversion is 1/4 of 1/4 of Section
Township Range, B.M., in County
Additional points of diversion, if any Point of diversion is not indicated in the Decree

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	40E	25													40	40	40	40	160

Total number of acres to be irrigated 160

B. DESCRIPTION OF PORTION OF RIGHT OR PORTION THEREOF, WHICH THE CHANGE IS PROPOSED TO BE MADE RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE, OMIT PART B)

1. Amount of water: a. 2.53 cubic feet per second
&/or
b. acre feet per annum

0.84 6-1-1884
1.69 4-1-1898

2. Point of diversion NE 1/4 SE 1/4, Section 30 Township 7N
Range 41E, B.M., Fremont County
Additional points

STEWART HEAD

3. Place of use:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	40E	25													17	10			27

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 2.53 c.f.s. &/or acre feet
- b. Point(s) of diversion NW 1/4 SE 1/4, Section 23 Township 7N
Range 42E, B.M., Fremont County
Additional points

- c. Description of diverting works 500 HP pump, 14-inch steel main, 3 1/2 miles long;
7 1/2 hand lines

- d. Describe the reasons for applying for a change in the point(s) of diversion water is being applied to lands approximately 10 miles up stream from original place of use.

2. Change in place of use

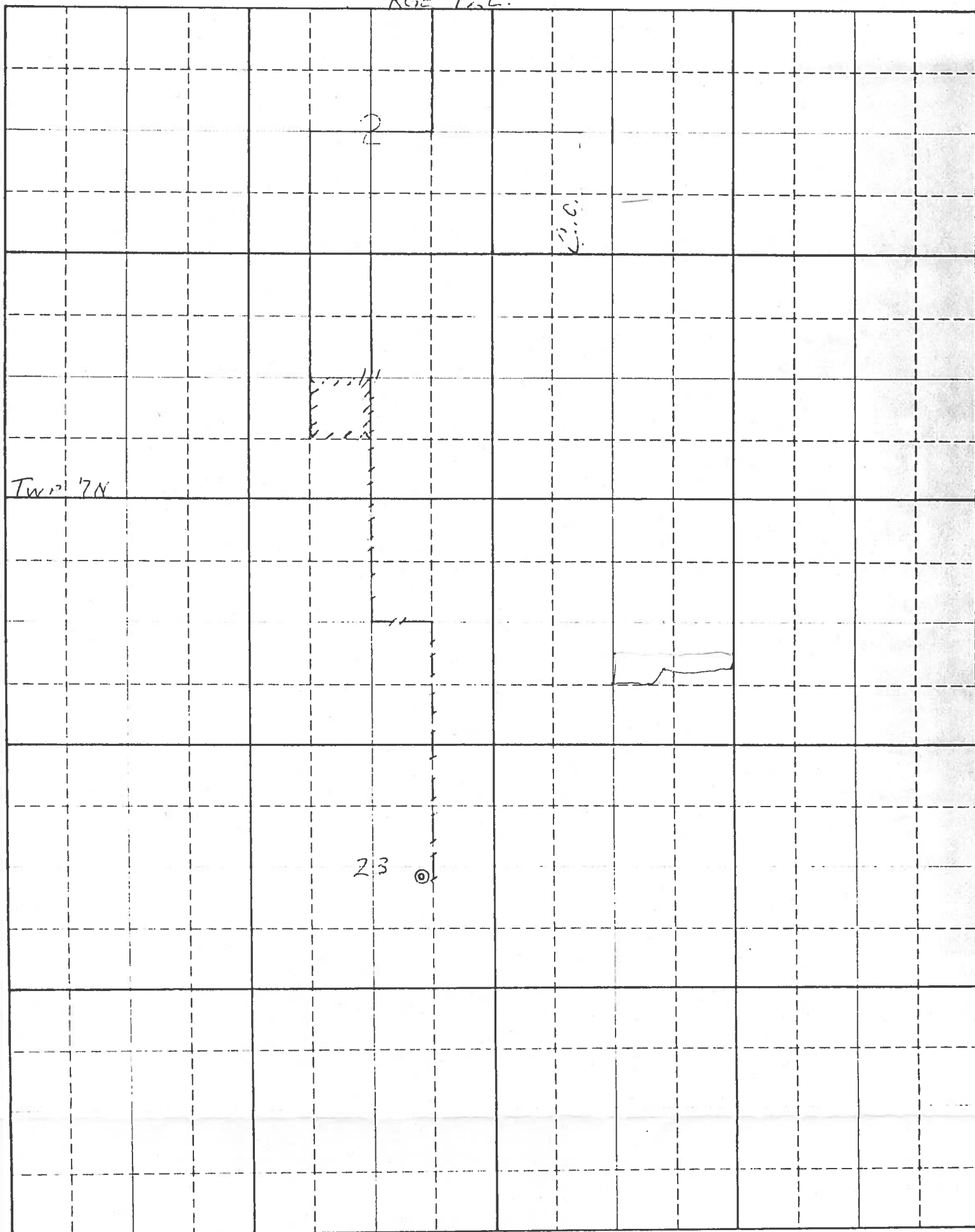
- a. Describe the lands or place of use to which the right will be transferred:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	42E	11					40			40									80
		2	40			40					40			40	40	40	40	40	320
		1									10	40	40	10					100

Total number of acres to be irrigated 500

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

RGE 42E.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

x Cat Olson
(Signature of applicant)

Subscribed and sworn to before me this 2 day of March, 1977

James A. Lait
(Notary public)

My commission expires 12-20-77

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-0537 and 22-0538, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

A totalizing measuring device shall be installed and maintained as part of the diverting works.

No more than 54 acre feet be diverted under these rights during any one year.

Witness my hand this 22 day of August, 1977

James A. Lait

FOR DEPARTMENT USE ONLY

Received by PA Date 5-23-77

Prelim. check by EMC Fee \$32.00

Received by PA Date 3-23-77

Published in Shenandoah City Courier #4575

Pub. dates Mar 31 & Apr 7-1977

Watermaster recommendation requested on 5-23-77

WA # 01 rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by RDC SS

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 22-537C

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant STEWART DITCH
C/O REED ASHCRAFT
2373 E 214 N
ST. ANTHONY, ID 83445
(208)458-4420

Priority Date: 04/01/1898
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.23 CFS	
Recharge for Irrigation	04/01	10/31	3.23 CFS	
Total Diversion			3.23 CFS	

Location of Point(s) of Diversion:

TETON RIVER SENESE Sec. 30 Township 07N Range 41E FREMONT County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

1. 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
C18 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.
- 2.F01 Water is delivered through Stewart Canal.
3. This right combines 22-537A and 22-537B.
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein
- 4.135 by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
- 5.P31 The remainder of this right was forfeited for non-use from 1965 to present.
- 6.F06 The following rights are also diverted through point of diversion described above: 22-537C, 22-538C, 22-12647, 22-13164.
- 7.E56 The rights listed below are limited to the irrigation of a combined total of 362.5 acres in a single irrigation season. Combined Right Nos.:22-537C, 22-538C, 22-12647, 22-13164

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

Signature(s)

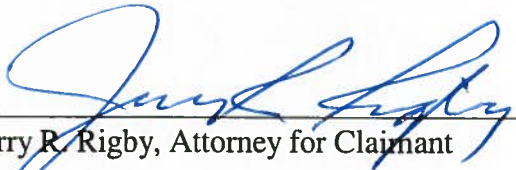
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.

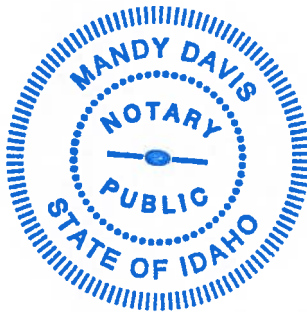


Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

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: A22-00537C
Date Received: 3/08/1989
Receipt No: MO02921
Received By: APC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH 208-458-4420
Address: RT. 1 BOX 72
ST. ANTHONY, ID 83445
2. Date of Priority: APR 01, 1898
3. Source: TETON RIVER Trib. to: HENRYS FORK SNAKE R
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	41E	30	NE	SE	SE		FREMONT

5. Description of diverting works:
CONCRETE COFFER DAM WITH STEEL GATES WITH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

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

8. Total consumptive use is 997.8 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
07N	40E	25	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	38.0

A22-00537C

Page 1
SCANNED

Date: 03/08/89

JUN 09 2005

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PROF

A2200537C



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	25	SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	317.0
		36	NE	NE		IRR	7.0
			NW	NE		IRR	14.0
			NE	NW		IRR	22.0
						Section Acres	43.0
41E		30	SW	SE		IRR	40.0
						Section Acres	40.0
						Total Acres	400.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

22-0538C,12648,12647.12646,00632

14. Remarks:

P/D PUMP ON TETON RIVER.

TRANS. 2063.

THIS IS A COMBINATION OF A22-00537A+B. THE CANAL COMPANY DID NOT APPROVE THE TRANSFER WHICH IS SHOWN ABOVE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRR. CO. ET AL

Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL.

Decree Defendant

SCANNEL
JUN 09 2005

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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): Rud W. Bickart Date: 3/8/89

Date: _____

State of Idaho)
County of _____) 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: 39356

Ident. Number

A22-00537C

Date Received

03/06/89

Receipt Number

MOO 2921

MOO 2923

2924

2926

2927

2929

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s)

Stewart Ditch

Phone ()

208 4584420

Mailing Address Rt. 1 Box 72 St. Anthony, Idaho

Zip 83445

2. Date of Priority (Only one (1) per claim)

April 1 1898

3. Source of water supply (a)

Teton River

which is tributary to (b)

North Fork of Snake River

Snake River

4. a. Location of existing point of diversion is: Township

7 North

Range 4 East

Section 30

NE 1/4

SE 1/4

1/4, Govt. Lot,

B.M., County of

Fremont

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Dam and diversionary gates into

the Stewart Ditch

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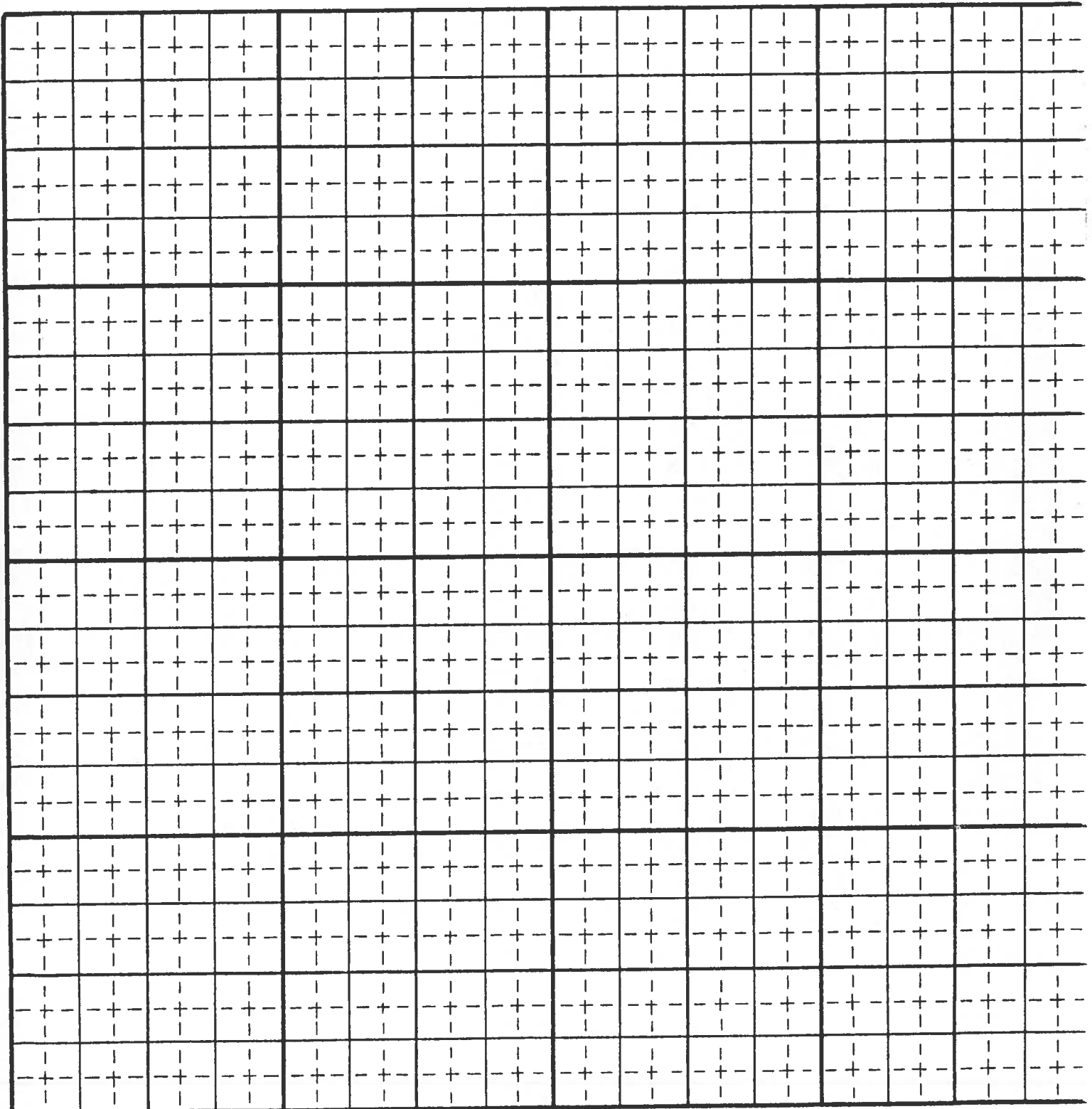
JUN 09 2005

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Copies: White-State, Yellow-Claimant

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



PROTECTED

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OCT 28 1992

Last Name Stewart Ditch

Ident No. JUN 09 2005

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10¹⁰ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 997.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	40E	25									40	40	32.6	39	40	40	40	39.5	316.1
7	40	36	7	14			22												43
7	41	30															40		40

Total number of acres irrigated 399.1

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

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

Unincorporated company, List of land owners and land they own attached.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Within the boundaries of Fremont Irrigation Dist.

or None ()

14. Remarks:

PROFILE

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JUN 09 2005

OCT 28 1992

Last Name Stewart Ditch Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 4/1/1898
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 7
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
of Stewart Ditch Title _____
_____ that I have signed the foregoing
document in the space below as President of Stewart Ditch
_____ Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Reed W. Ashcraft
"President, Stewart Ditch" Date 2/15/1989
Title and Organization _____

State of Idaho/or _____)
County of Madison) SS.
Subscribed and sworn (or affirmed) before me this 6th day of March 19 89
SEAL Notary Public Mitchell & Urban
Residing at Rexburg
My Commission Expires 8-4-90
Please Print Name _____

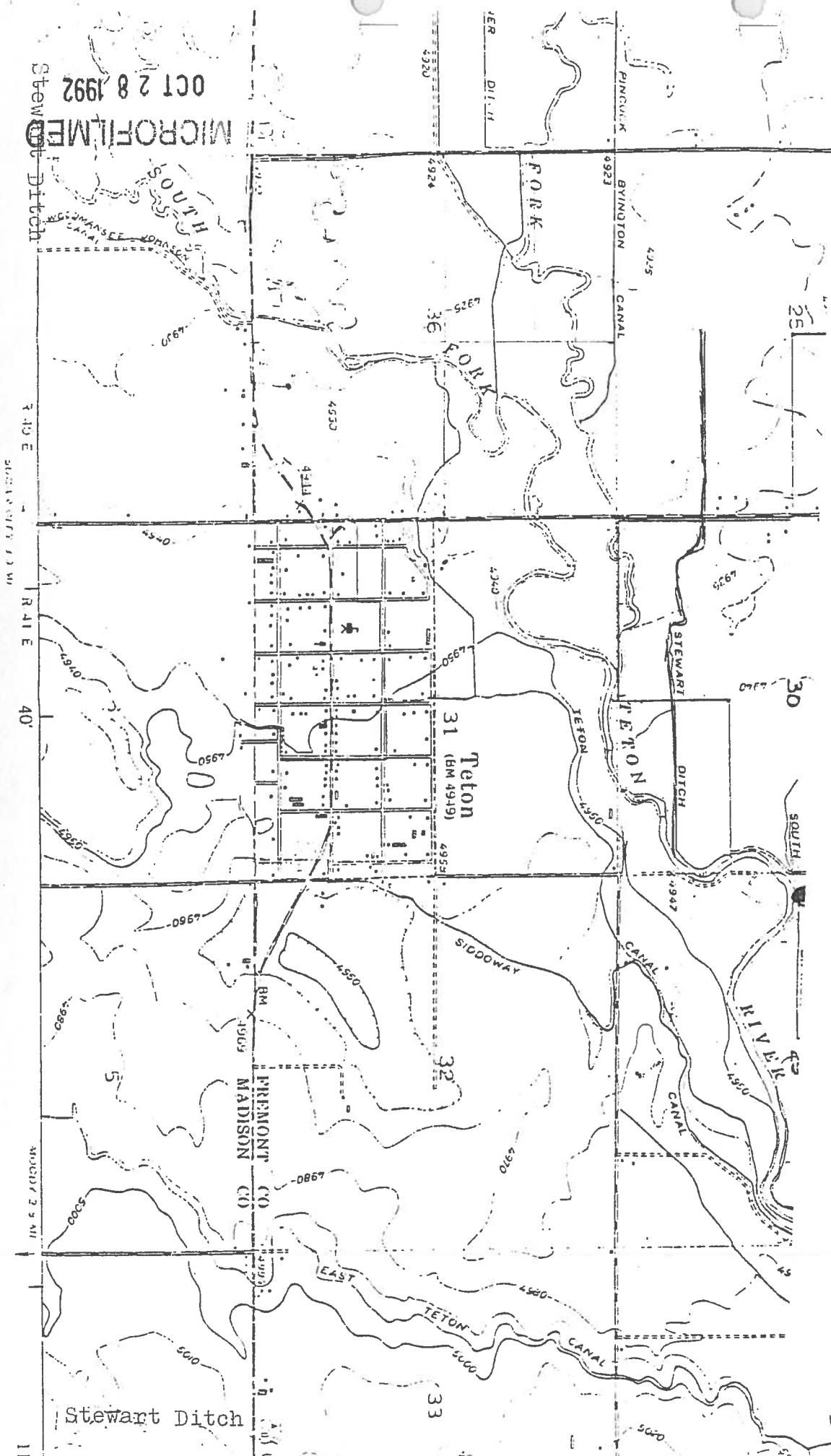
17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

SCANNED
JUN 09 2005
MICROFILMED
Oct 28 1992

Last Name Stewart Ditch Ident. Number _____
Copies White-State, Yellow-Claimant

SCANNED
JUN 09 2005



205 Acres:

Reed W. Ashcraft

The West 67 Rods of the Southwest Quarter of the Southwest Quarter; and the Southwest Quarter of Section 25, T 7 North, Range 40 E. B. M. Fremont County Idaho, LESS THE FOLLOWING PROPERTY: Beginning at the West Quarter corner of Section 25, and running North 89° 49' 14" East, along the Quarter section line 966.47 feet; Then South 2° 27' 52" West 816.46 feet; Then South 71° 12' 42" East, 204.41 feet. Then South 15° 14' 09" West, 218.09 feet; Then South 89° 24' 03" West, to the West Line of Section 25, 1062.81 feet; Then along said Section Line North 0° 00' 00" East 1100.05 feet to the point of beginning.

ALSO:

The South 40 Rods. Southeast 1/4. Section 25 Township 7 North Range 40 East, Boise Meridian, Fremont County, Idaho.

Dee Ard. 14 Acres:

Beginning 1178 feet. North of Southeast corner. Sec. 25, Township 7 North, Range 40 East, Boise Meridian, Fremont County, Idaho. ^{and} Running West 1534.5 feet. Then South 411.58 feet. Then East 1534.5; Then North 411.58 feet to point of beginning.

~~Boyd Hollist~~

Norval Birch 40 Acres:

Section 30 Township 7 North, Range 41 East, Boise Meridian, Lot 4 Southeast 1/4 Southwest 1/4.

Del Ray Burnside 5 Acres

Beginning 30 Rods North of Southeast corner of Section 25. Township 7 North Range 40 East. Boise Meridian. Fremont County Idaho. Then going West 93 Rods. Then South 142 Feet. Then East 93 Rods. Then North 142 Feet to the point of beginning.

Boyd Hollist 70 Acres

Beginning at Southeast corner of Section 25. Township 7 North. Range 40 East. Boise Meridian. Then going North 46.45 Rods. Then going West 93 Rods. Then So 46.45 Rods. Then East 93 Rods to the point of beginning.

ALSO:

Section 36; Northeast 1/4 of Northwest 1/4, North 1/2 Northeast 1/4 lying or being North and west of Fork Fork of Teton River.

Calvin Wickham. 40 Acres

North 40 Rods. Southeast 1/4. Section 25. Township 7 North.. Range 40 East. Boise Meridian

SCANNED

MICROFILMED

JUN 09 2005

OCT 28 1992

PROFILED

Lee Collett

~~CONN BAUER~~ PROPERTY DESCRIPTIONS

7
PARCEL NO. 1 Conn

Commencing at the west quarter corner of Section 25, T. 7 N., R. 40 E., B.M., Fremont County, Idaho and running thence N89°49'14" E, along the quarter section line, 966.47 ft.; thence S22°27'52" W, 816.46 ft.; thence S71°12'42" E, 204.41 ft.; thence S15°14'09" W, 218.09 ft.; thence S89°24'03" W, to the west line of Section 25, 1062.81 ft.; thence along said section line N0°15'02" W, 325.06 ft.; thence N89°56'59" E, 586.35 ft.; thence N29°40'50" E, 132.58 ft. thence N36°23'04" W, 82.69 ft.; thence N47°30'26" W, 241.13 ft.; thence N53°12'05" W, 117.97 ft.; thence N58°23'57" W, 79.50 ft.; thence N63°28'45" W, 90.96 ft.; thence N73°39'40" W, 70.54 ft.; thence N79°43'14" W, to said west line of Section 25, 118.14 ft.; thence N0°15'02" W, along said section line 235.97 ft. to the point of beginning.

Contains 18.93 acres.

8
PARCEL NO. 2 Eldon Struks

Commencing at a point that is S0°15'02" E, along the section line, 774.99 ft. from the west quarter corner of Section 25, T. 7 N., R. 40 E., B.M., Fremont County, Idaho and running thence N89°56'59" E, 586.35 ft.; thence N29°40'50" E, 132.58 ft.; thence N36°23'04" W, 82.69 ft.; thence N47°30'26" W, 241.13 ft.; thence N53°12'05" W, 117.97 ft.; thence N58°23'57" W, 79.50 ft.; thence N63°28'45" W, 90.96 ft.; thence N73°39'40" W, 70.54 ft.; thence N79°43'14" W, to said west line of Section 25, 118.14 ft.; thence S0°15'02" E, along said section line, 539.02 ft. to the point of beginning.

Contains 5.73 acres.

PROFILING

SURVEYOR'S CERTIFICATE

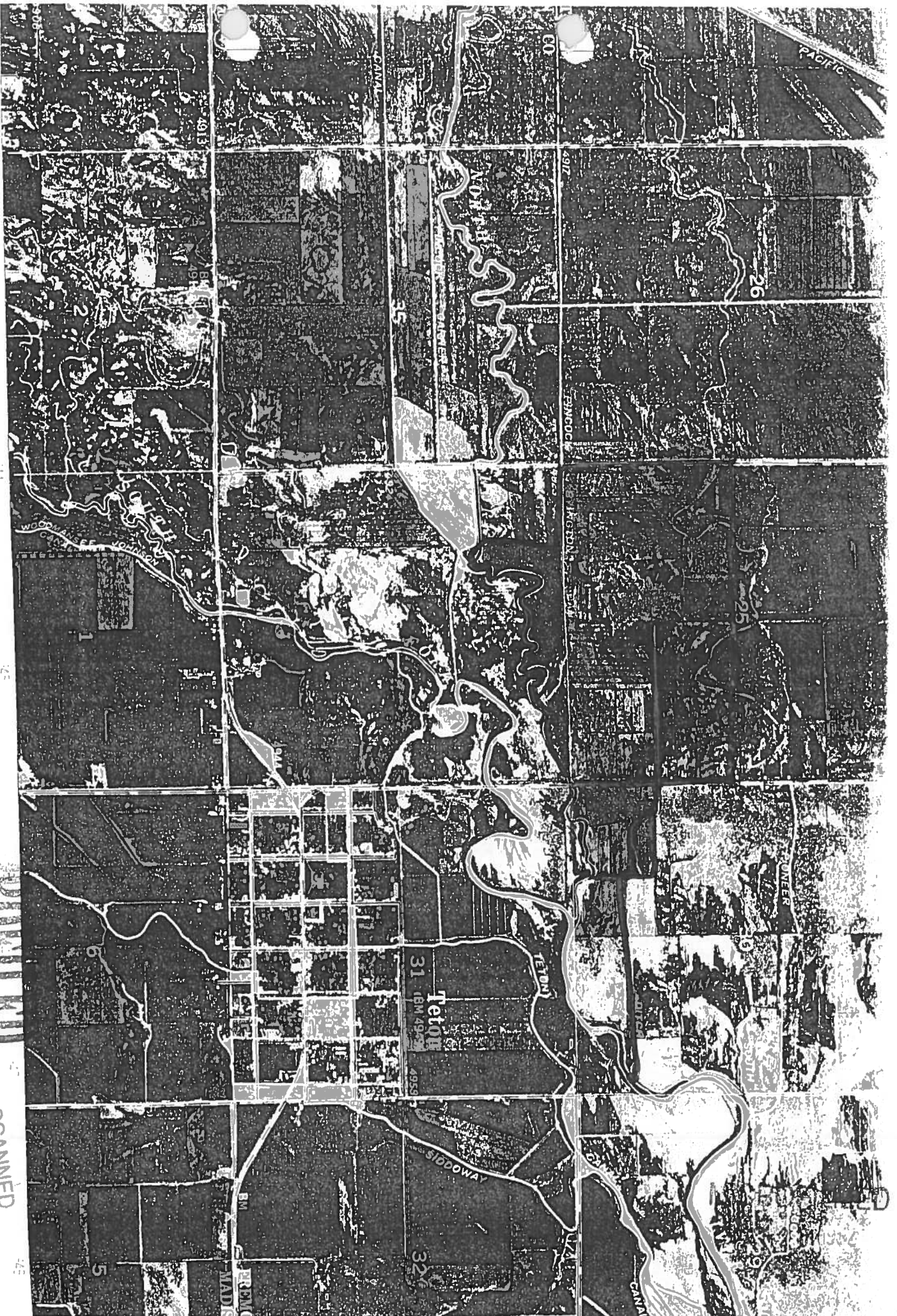
I, John B. Hegsted, do hereby certify that I am a Registered Land Surveyor for the State of Idaho, holding Certificate No. 4561, and that I have surveyed the above described land under the laws of

JUN 09 2005

MICROFILMED

OCT 28 1992





SCANNED
JUN 09 2005