

09/09/2011

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

RIGHT NUMBER: 22-538C

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

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 4.160 CFS

PRIORITY DATE: 06/01/1884

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	4.160 CFS

PLACE OF USE:

363 ACRES TOTAL

Right Nos. 22-537C and 22-538C are limited to the irrigation of a combined total of 133 acres in a single irrigation season.

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.

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

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

Water is delivered through Stewart Canal.

This right is former right no. 22-538A.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Stewart, Samuel	5.0		22-0538
2063	Olsen, Cal M.	0.84		22-0538B
	Stewart, Samuel	4.16		22-0538A

T
R
A
N
S
F
E
R



Idaho Department of Water Resources

SRBA Recommendation:

*Stewart Ditch Company
Service Area Boundary
Irrigated Acres = 362.5*

(Irrigation)

Legend

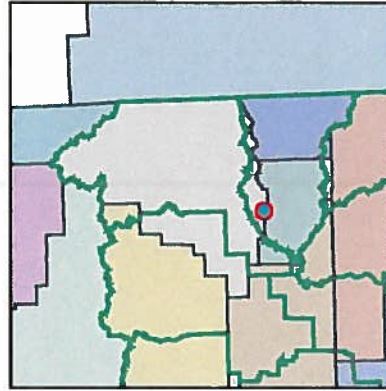
Point of Diversion

Place of Use

Townships

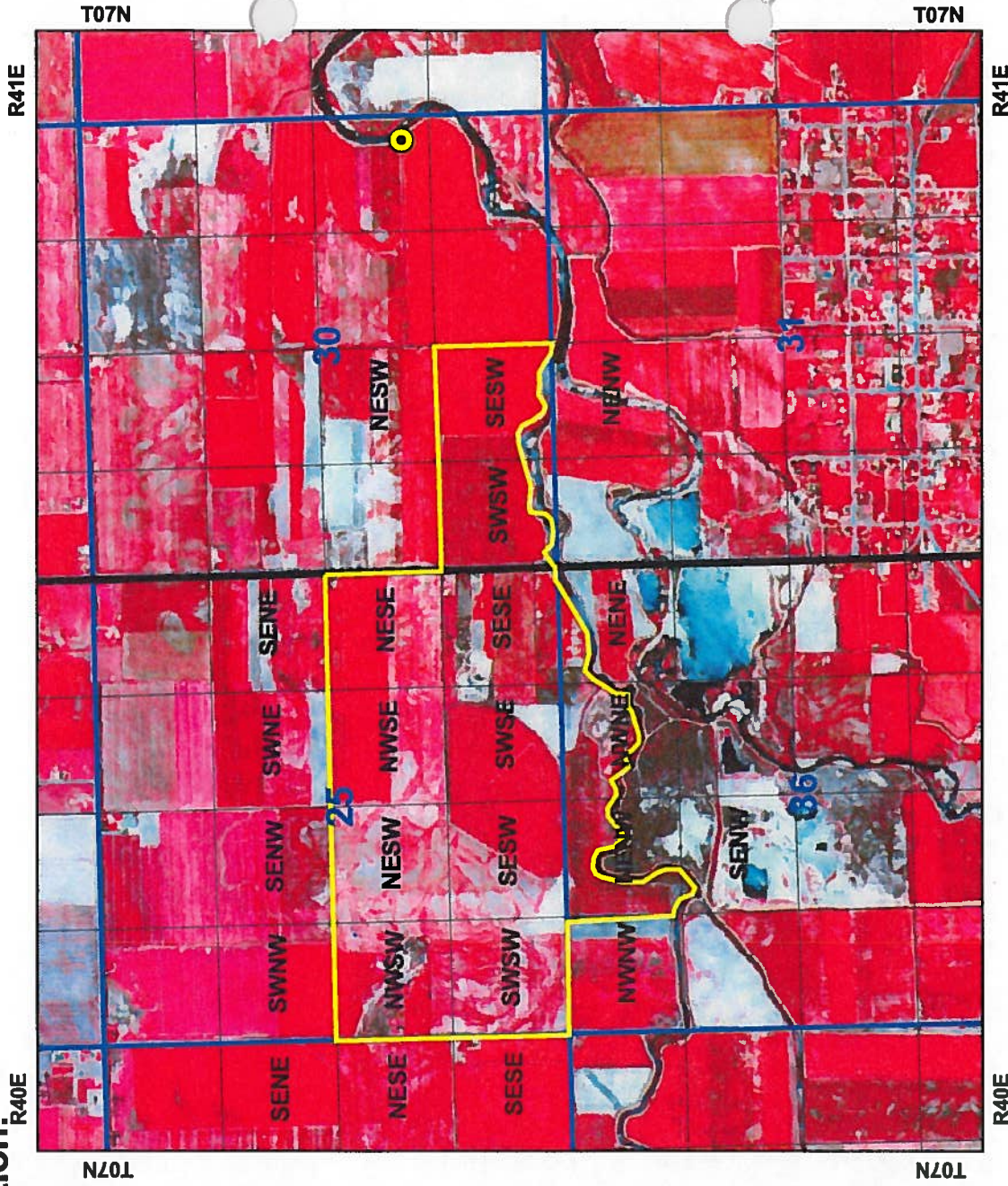
PLS Sections

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:

Water right number: 22-538C

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: 5-13-05 SIGNATURE: Reed W. Ashcraft
Please print your name: Reed W. Ashcraft

IDWR Regional Office,

PROFILED

**SCANNED
JUL 22 2005**

**RECEIVED
JUL 18 2005
Department of Water Resources
Eastern Region**

1000
7/1/8

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.ORIGINAL DARRAS 22-538, 5⁰ ch

TV #2063 SPLIT 22-538 TO A & B.

A TO S. STEWART, 4¹⁶ ch

B TO C. OLSEN, 084 ch

SRBA 'C' RECOMMENDS WR A & B BACK TO ORIGINAL

SRBA (DATA BASE) SHOWS 22-538C, STEWART DITCH FOR 5⁰ ch

SOS 22-13/64 Don notes

PDU ALL RTS w/ ac limits

Reviewer: _____ Date: _____

PROFILED

SCANNED

JUN 09 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/1/1004 Claimed Basis: DEPT

Recommended Priority Date: _____ Recommended Basis: _____

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

Matches & Deeds

Reviewer: _____

PROFILE

Date: _____

JUN 09 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

Same POD AS 22-13164

Reviewer: _____ Date: _____

SCANNED

JUN 09 2005

PROFILED

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:*Large Pond**DMU Accts*

Reviewer: _____ Date: _____

PROHIBITED

SCANNED
JUN 09 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
			10°	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Tring	4/1	10/31	5°	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Original Rt. was for 5° cfs

Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 09 2005

DEGREE OF FALL RIVER AND ITS TRIBUTARIES.

(Arranged According to Priority of Rights.)

Wilson, O. L.; June 10, 1887; Fall River	120
Humphrey, Richards; June 10, 1887; Fall River. (Sold to O. L. Wilson)	240
Hathaway, John; June 10, 1887; Fall River	205
Curt, Joseph; June 10, 1887; Fall River	240
Brown, Hyrum; June 1, 1888; Fall River	240
Farnsworth, A. T., and R. J.; June 1, 1888; Fall River	120
White, Henry T.; June 1, 1888; Fall River	120
Farnsworth, A. T., and R. J.; June 1, 1889; Fall River	200
Fall River Irrigation Co.; June 1, 1889; Fall River	18,000
From July 1st of each year for the balance of the irrigation season	
Fall River Irrigation Co.; June 1, 1889; Fall River	23,000
As a high water right until July 1st of each year.	
Bell, Joseph; Sept. 26, 1889; Fall River	260
Silvery, J. R.; June 1, 1890; Fall River. Also right bought from W. P. Drake	400
White, Henry T.; June 1, 1890; Fall River	275
Blanchard, Alma; June 1, 1890; Fall River	120
Drake, W. P.; June 1, 1890; Fall River. (Sold to J. R. Silkey)	120
Farnsworth, A. S.; June 1, 1890; Fall River	400
Seeley Brothers; June 1, 1891; Fall River	280
Brown, J. J.; June 1, 1891; Fall River	180
Farnsworth, A. T., and R. J.; June 1, 1892; Fall River	240
Blanchard, Alma; June 1, 1892; Fall River	200
Smith, T. C.; June 1, 1893; Conant Creek	120
Peterson, S. O.; June 1, 1893; Conant Creek	100
Withell, Edward; June 1, 1894; Fall River	120
Moon, Carlos H.; May 10, 1895; Fall River	150
Langley, A. C.; June 24, 1902; Squirrel Creek	250
Yellowstone Land & Cattle Co.; June 24, 1902; Squirrel Creek	125
Smith, Henry; July 16, 1902; Fall River	150
Marvsville Canal & Improvement Co., Ltd.; Nov. 5, 1895; Fall River	100
Farmers Own Ditch Co., Ltd.; Apr. 1, 1896; Fall River	10,500
Chesler Canal & Irrigation Co., Ltd.; Apr. 1, 1896; Fall River	1,700
Thomas W.; June 1, 1896; Fall River	5,600
Peterson, S. O.; June 1, 1899; Conant Creek	150
Langley, A. C.; Aug. 1, 1899; Squirrel Creek	40
Highland Ranch Improvement Co., Ltd.; May 15, 1900; Boone Creek	20
Boone Creek	150
Hartfield Canal & Irrigation Co., Aug. 4, 1900; Fall River	150
Ivory, C. J.; Sept. 24, 1900; Fall River	3,000
Conant Creek Canal Co.; May 1, 1901; Conant Creek	150
Squirrel Creek Irrigation & Canal Co.; Sept. 1, 1901; Squirrel Creek	1,000
Boone Creek Canal Co.; Sept. 15, 1901; Boone Creek	1,000
West, Curtis B.; June 1, 1903; Fall River	5,000
Yellowstone Land & Cattle Co.; July 1, 1903; Squirrel Creek	30
Farmers Own Ditch Co., Ltd.; May 1, 1904; Fall River	250
Berry, M. R., and R. V. McEain and William H. Dunlap;	600

Rexburg v Teton Decree

May 1, 1904; Conant Creek	710
260 Farmers Own Ditch Co., Ltd.; May 1, 1905; Fall River	2,000
263 Yellowstone Power & Irrigation Co.; May 1, 1906; Fall River	5,000
263 Hartfield Canal & Irrigation Co.; May 1, 1906; Fall River	4,000

Decree of the Teton River and its tributaries, arranged according to priority of rights:

1 Garr, Martin, Mar. 15, 1879; Moody Creek	480
To be reduced to 240 inches after June 20th in each year	
2 Rowe, Reuben H., and Morris McCormick; June 1, 1879; Teton River. (Through McCormick & Rowe Ditch)	240
6 Woodmansee, Charles H.; Mar. 15, 1881; Moody Creek	220
To be reduced to 160 inches after June 20th of each year	
9 Teton Island Canal Co.; Mar. 1, 1883; Teton River	320
10 Woodmansee, Charles H.; Mar. 15, 1883; Moody Creek	160
To be reduced to 80 inches after June 20th of each year	
11 Pioneer Ditch Co.; May 1, 1883; Teton River	80
12 Hansen, N. P.; May 15, 1883; South Fork of Teton River. (Sold to Lee Burrows)	528
14 City of Rexburg; June 10, 1883; Teton River. (For power and municipal purposes)	160
14 Rexburg Irrigation Co.; June 10, 1883; Teton River	1,350
15 Bird, Martin L., F. W. Garner and George A. Pincock; Mar. 1, 1884; Pincock-Garner Ditch	6,500
15 Pincock-Byrington Ditch Co.; Mar. 1, 1884; Teton River	444
17 Hill Ditch Co.; May 1, 1884; Teton River	356
18 Teton Island Canal Co.; May 22, 1884; Teton River	348
20 Good Luck Canal Co.; June 1, 1884; Teton River	3,500
20 Lislton, H. S.; June 1, 1884; Spring Creek	500
20 Yearsley, John H.; June 1, 1884; Spring Creek	240
20 Wolf Ditch Co.; June 1, 1884; Teton River	60
20 Wilford Irrigation & Manufacturing Co.; June 1, 1884; Teton River	1,265
20 Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; June 1, 1884; Teton River	3,392
20 Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	250
20 Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	3,798
24 Woodmansee, Charles H.; Mar. 15, 1885; Moody Creek	2,202
To be reduced to 320 inches after June 20th of each year	
26 Nelson, David; May 1, 1885; Teton River. (Through Nelson-Jacobs Ditch)	640
27 Windmill, Richard, and Richard Withers and Oscar B. Young; May 31, 1885; Teton River. (Eckersell Canal)	320
28 Roxana Canal Co.; June 1, 1885; Teton River. (To be diverted from Teton Island Feeder Canal)	216
28 Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton River	800
28 Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton River	4,000

PROCESSED

SCANNED

JUN 09 2005

RECEIVED
AUG 29 1977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources
Eastern District Office

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

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 ¼ of ¼ 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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	40E	25													40	40	40	40	160

Total number of acres to be irrigated 160

F. DESCRIPTION OF PORTION OF RIGHT AND OF THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part F)

1. Amount of water: a. 2.53 cubic feet per second 0.84 6-1-1884
&/or 1.67 4-1-1898
b. acre feet per annum
2. Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30 Township 7N
Range 41E , B.M., Fremont County
Additional points

3. Place of use:

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23 Township 7N
Range 42E , B.M., Fremont County
Additional points

- c. Description of diverting works 500 HP pump, 14-inch steel main, 3½ miles long;
7 ½ 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

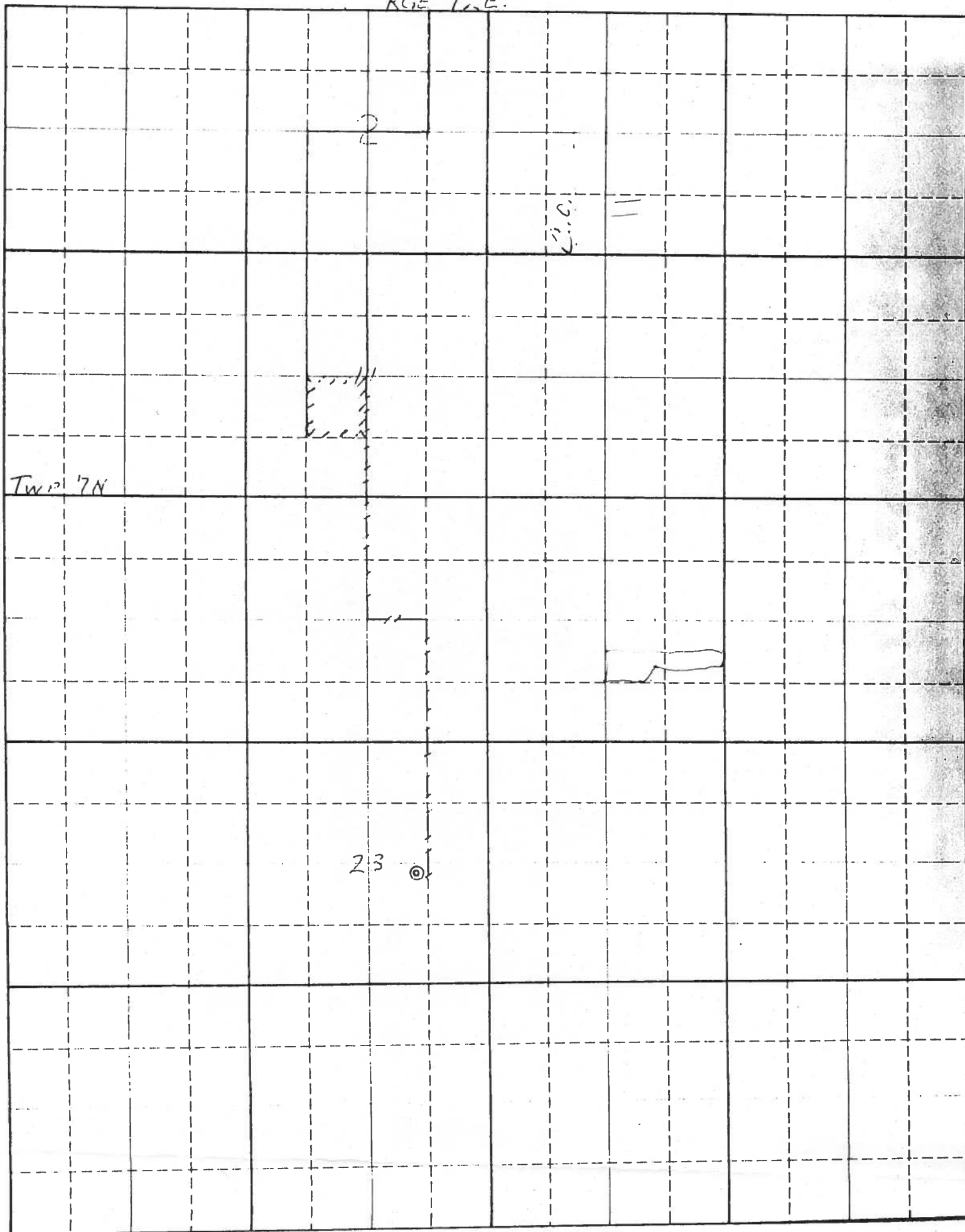
- a. Describe the lands or place of use to which the right will be transferred:

TWP	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
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 Coe Olson
(Signature of applicant)

Subscribed and sworn to before me this 5 day of March, 1977

James A. Hart
(Notary public)

My commission expires 12-30-77

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. Hart

FOR DEPARTMENT USE ONLY

Received by Paul Date 5-15-77

Prelim. check by EMC Fee \$30.00

Receipted by Paul Date 5-23-77

Published in Deseret City Union #4535

Pub. dates Mar 31 & Apr 7-1977

Watermaster recommendation requested on 5-27-77

WA #01 rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by RDC SS

Log for claim 22-00538C

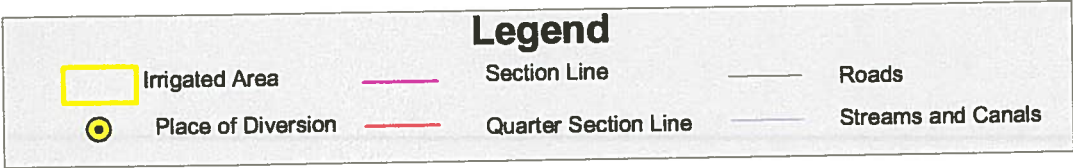
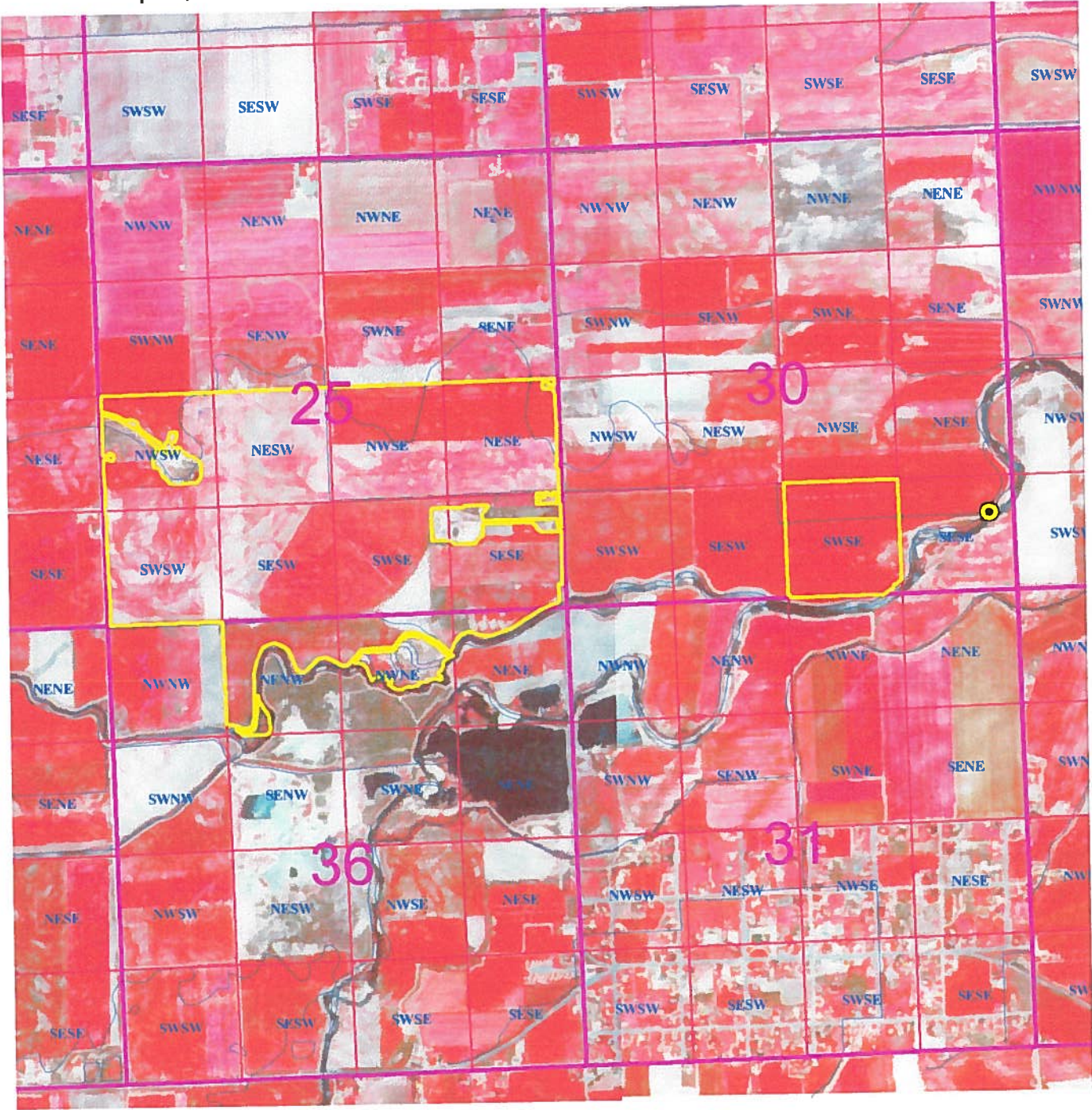
Spatial Dynamics BTD

6/21/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n40e	25	NESW	40	40	
07n40e	25	NWSW	40	34	
07n40e	25	SWSW	38	39	
07n40e	25	SESW	39	40	
07n40e	25	NESE	40	38	
07n40e	25	NWSE	40	40	
07n40e	25	SWSE	40	38	
07n40e	25	SESE	40	33	
07n40e	36	NENE	7	5	
07n40e	36	NWNE	14	20	
07n40e	36	NENW	22	20	
07n41e	30	SWSE	40	39	
Totals:			400	386	

Water Right Claim Number 22-00538C
Townships , 7N41E, 7N40E

06/21/2001



SPATIAL
DYNAMICS

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 22-538C

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: 06/01/1884
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	5 CFS	
Recharge for Irrigation	04/01	10/31	5 CFS	
Total Diversion			5 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. 135 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.

3. F01 Water is delivered through Stewart Canal.

4. This right combines 22-538A and 22-538B.

5. F06 The following rights are also diverted through point of diversion described above: 22-537C, 22-538C, 22-12647, 22-13164.

6. 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)

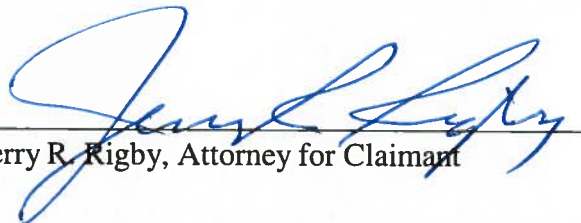
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

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.




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: A22-00538C
Date Received: 3/08/1989
Receipt No: MO02921
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEWART DITCH
Address: RT. 1 BOX 72
ST. ANTHONY, ID

208-458-4420

83445

2. Date of Priority: JUN 01, 1884

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		

Original claim shows 5⁰⁰ cfs.

7. Total Quantity Appropriated is:
5.000 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

A22-00538C

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Date: 03/08/89

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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:
22-0537C,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

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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. Bakcraft 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 _____

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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

A22-00538e

Date Received

03/06/89

Receipt Number

M002921

M003923

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) 456-4420
Mailing Address Rt. 1 Box 72 St. Anthony, Idaho Zip 83445

2. Date of Priority (Only one (1) per claim) June 1 1884

3. Source of water supply (a) Teton River
which is tributary to (b) North Fork of the Snake River

4. a. Location of existing point of diversion is: Township 7 North Range 41 East Section 30,
NE 1/4 of S.E. 1/4 of S.E. 1/4, Govt. Lot, B.M., County of Tremont

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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Scale: 2 inches equals 1 mile

[illegible]

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Last Name

STEWART

Ident No.

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 5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5 (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	326	39	40	40	40	395	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 X 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:

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Last Name Stewart Ditch

Ident No. _____

Copies: White -State, Yellow-Claimant

Stewart Ditch

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 6/1/1984

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

President

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

of Stewart Ditch, that I have signed the foregoing

document in the space below as President of Stewart Ditch

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

Signature of Authorized Agent Reed W. Burkhardt

Title and Organization President, Stewart Ditch Date 2/13/1989

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 S. Wilbur

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

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PROVIDE

Last Name Stewart Ditch Ident. Number

Copies White-State, Yellow-Claimant

205 Acres:

① 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. E. 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.

ALSC:

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

② 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.

③ ~~Boyd-Hollist~~

Norval Birch 40 Acres:

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

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.

⑤ 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.

ALSC:

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

⑥ Calvin Wickham. 40 Acres

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

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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 S2°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.

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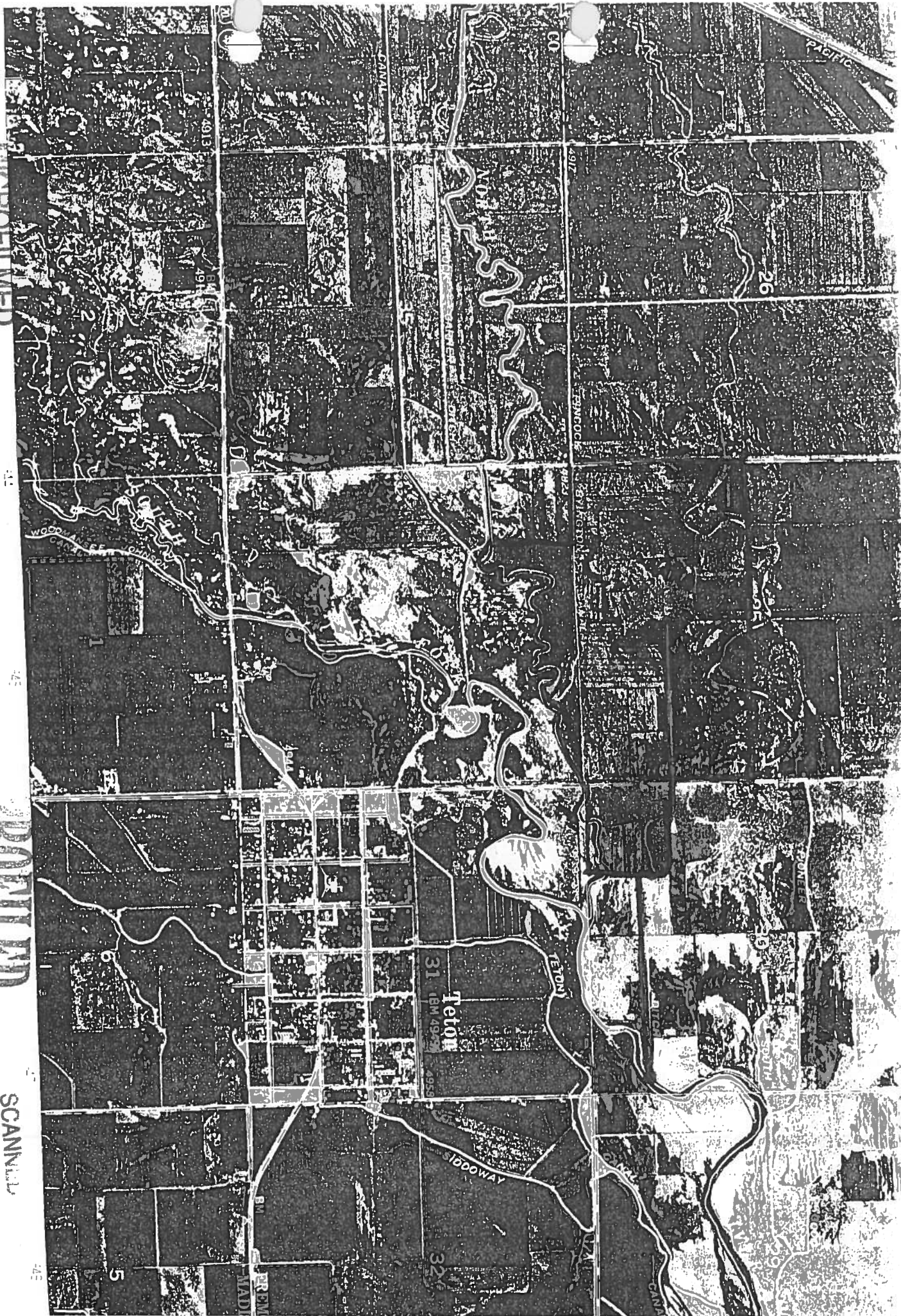
PROM

SURVEYOR'S CERTIFICATE

I, John B. Hegsted, do hereby certify that I am a Registered Land Surveyor
and I hold Certificate No. 4561 as prescribed under the laws of

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Oct 28, 1992



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