

09/12/2011

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

RIGHT NUMBER: 22-13164

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

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 3.770 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION:

T07N R41E S30 NESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.770 CFS

PLACE OF USE:

363 ACRES TOTAL

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. 22-13164 and 22-14011 are limited to the irrigation of a combined total of 137 acres in a single irrigation season.

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

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.

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

Water is delivered through Stewart Canal.

This right is a split from former right 22-692.

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

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



Idaho Department of Water Resources

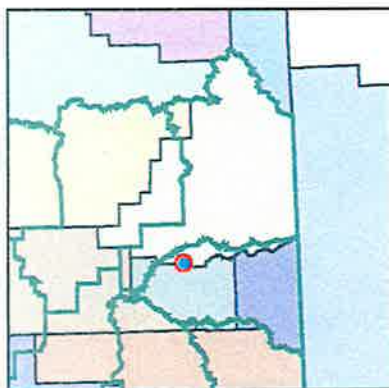
SRBA Recommendation:

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

(Irrigation)

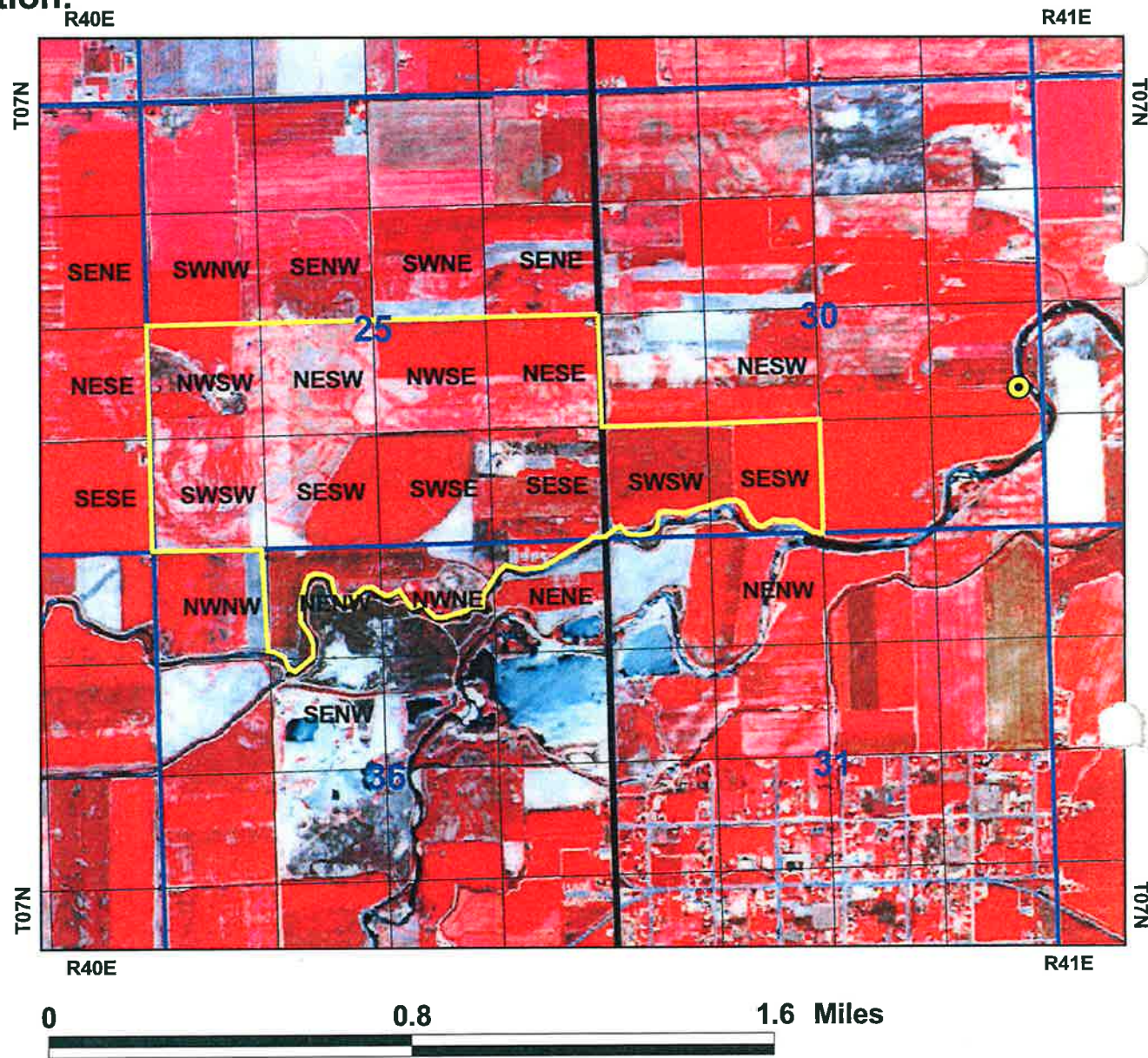
Legend

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



Fremont County
IDWR Basin 22

AUG 21 2007
 SCANNED



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

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 22-13164

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: 05/01/1883
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	3.77 CFS	479.5 AFA	
Recharge for Irrigation	04/01	10/31	3.77 CFS		
Total Diversion			3.77 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. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F01 Water is delivered through Stewart Canal.
3. 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.
4. K06 This right is limited to the irrigation of 137.0 acres within the place of use described above in a single irrigation season.
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)

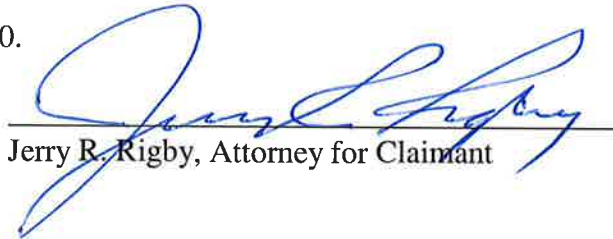
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69049

This is to certify that: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445
 (208)458-4420

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
22-12646	AJC/Decreed	04/01/1898	8.00 cfs		400.0	400.0	TETON RIVER
22-12648	AJC/Decreed	05/01/1883	4.00 cfs		400.0	400.0	TETON RIVER

Purpose of Transfer (Changes Proposed)

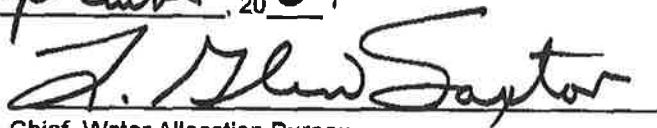
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-12646	YES	YES	NO	NO	NO	NO
22-12648	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acres Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-12646	22-13163	0.46 cfs	80.5 af	23.0	23.0	22-13162	7.54 cfs	479.5 af	137.0	377.0
22-12648	22-13165	0.23 cfs	80.5 af	23.0	23.0	22-13164	3.77 cfs	479.5 af	137.0	377.0
TOTALS		0.69 cfs	80.5 af	23.0	23.0		11.31 cfs	479.5 af	137.0	377.0

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2001


 Chief, Water Allocation Bureau

MICROFILMED
 OCT 02 2001

WATER RIGHT NO. 22-13162
As Modified by Transfer No. 69049

In accordance with the approval of Transfer No. 69049, Water Right No. 22-13162 is now described as follows.

Right Holder: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445

Priority Date: 04/01/1898

Source: TETON RIVER

Tributary: HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	7.54 CFS	479.5 AF
		7.54 CFS	479.5 AF

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER NESESE Sec. 30 Twp 07N Rge 41E FREMONT 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	
07N 40E 25									40.0	17.0	38.0	39.0	40.0	40.0	40.0	40.0	294.0
07N 40E 36	7.0	14.0			22.0												43.0
07N 41E 30															40.0		40.0

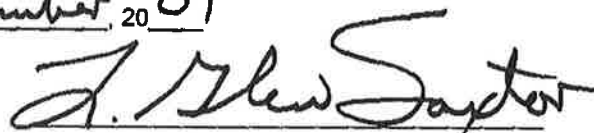
Total Acres: 377

CONDITIONS OF APPROVAL

1. Right 22-13162 is limited to the irrigation of 137.0 acres within the place of use described above in a single irrigation season.
2. Rights 22-13162 and 22-13164 when combined shall not exceed a total annual maximum diversion volume of 479.5 af at the field headgate, and the irrigation of 137.0 acres.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 2001


 Chief, Water Allocation Bureau

MICROFILMED
 OCT 02 2001

WATER RIGHT NO. 22-13163
As Modified by Transfer No. 69049

In accordance with the approval of Transfer No. 69049, Water Right No. 22-13163 is now described as follows.

Right Holder: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445

Priority Date: 04/01/1898

Source: TETON RIVER

Tributary: HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.46 CFS	80.5 AF
			0.46 CFS	80.5 AF

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER NWNWNE Sec. 28 Twp 07N Rge 41E FREMONT 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	
07N 40E 25																	23.0

Total Acres: 23

CONDITIONS OF APPROVAL

1. Rights 22-13163 and 22-13165 when combined shall not exceed a total annual maximum diversion volume of 80.5 af at the field headgate, and the irrigation of 23.0 acres.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of Transfer 69049 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED
 OCT 02 2001

WATER RIGHT NO. 22-13163
As Modified by Transfer No. 69049

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 2001



Chief, Water Allocation Bureau

MICROFILMED
OCT 02 2001

WATER RIGHT NO. 22-13164
As Modified by Transfer No. 69049

In accordance with the approval of Transfer No. 69049, Water Right No. 22-13164 is now described as follows.

Right Holder: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445

Priority Date: 05/01/1883

Source: TETON RIVER

Tributary: HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.77 CFS	479.5 AF
			3.77 CFS	479.5 AF

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER NESESE Sec. 30 Twp 07N Rge 41E FREMONT 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	
07N	40E	25									40.0	17.0	38.0	39.0	40.0	40.0	40.0	40.0	294.0
07N	40E	36	7.0	14.0			22.0												43.0
07N	41E	30															40.0		40.0

Total Acres: 377

CONDITIONS OF APPROVAL

- Right 22-13164 is limited to the irrigation of 137.0 acres within the place of use described above in a single irrigation season.
- Rights 22-13162 and 22-13164 when combined shall not exceed a total annual maximum diversion volume of 479.5 af at the field headgate, and the irrigation of 137.0 acres.
- Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 2001

[Signature]
 Chief, Water Allocation Bureau

OCT 02 2001

WATER RIGHT NO. 22-13165
As Modified by Transfer No. 69049

In accordance with the approval of Transfer No. 69049, Water Right No. 22-13165 is now described as follows.

Right Holder: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445

Priority Date: 05/01/1883

Source: TETON RIVER

Tributary: HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.23 CFS	80.5 AF
			0.23 CFS	80.5 AF

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER NW/4 Sec. 28 Twp 07N Rge 41E FREMONT 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	
07N 40E 25																	23.0

Total Acres: 23

CONDITIONS OF APPROVAL

1. Rights 22-13163 and 22-13165 when combined shall not exceed a total annual maximum diversion volume of 80.5 af at the field headgate, and the irrigation of 23.0 acres.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 01, Snake River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Approval of Transfer 69049 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED
 OCT 02 2001

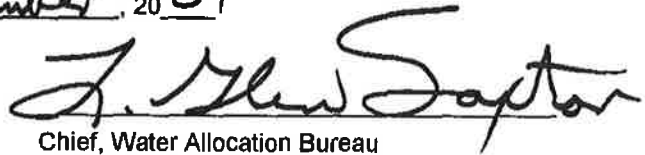
WATER RIGHT NO. 22-13165
As Modified by Transfer No. 69049

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 2001


Chief, Water Allocation Bureau

MICROFILM
OCT 02 2001

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69049

DATE REVIEWED 9-13-2001

SPLIT ☒ POD ☒ ADD POD ☐ POU ☐ PERIOD ☐ or NATURE ☐ of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

/	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)

(Unchanged)

(Changed)

(22-693) C / 22-12646	to	C4R1 22-13162	C4R1 22-13163
(22-692) C / 22-12648	to	C4R1 22-13164	C4R1 22-13165
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 4-1 to 10-31

Standard Volume 3.5/2.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season/W61 (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 01 Water District (12) No Pertinent Conditions (13) No Expansion

WM/Rcvd Per Region Review Sheet 7-9-01

Split - only

- (3) Allow standard season.
 (5) Allow standard vol $3.5 \times 23 = 80.5 \text{ ac-ft}$ $3.5 \times 377 = 1508 \text{ ac-ft}$ 2 Vol
 (7) Change T/D - from Stewart to Willford Canal (agreement from BLM)
 (8) Split P/U - Decreed R/S 22-692 + 22-693 limited to 1100 ac-ft max/continuous.
 same acres.

Conditions/Remarks R04, R43, R59, W57, T07, T08, T09, W35
P/U on R/S, W05, W09 - splits

WRs for Update Comments 22-692 + 22-693

Database Updated to Reflect Final Action 9-18-01

MEMORANDUM

TO: File

March 29, 2001

FROM: Keith C. Wilson

RE: Transfer Stewart Ditch ^{A22} A01-12646 & ^{A22} A01-12648

According to Paul Meyer this transfer involves only the T. F. Roueche & L. C. Rice water rights. These water rights were decreed under a correction to the Rexburg Irrigation Company vs. Teton Irrigation Canal Company, dated December 17, 1913 (copy attached).

^{A22}

A01-12646 - Based on 22-00693, 8.00cfs, Teton River, Priority Date - 04/01/1898

A01-12648 - Based on 22-00692, 4.00cfs, Teton River, Priority Date - 05/01/1883

^{A22}

NOTE: The following adjudication claims need to be modified to reflect that they do not cover the 23 acres in the NW ¼ SW ¼ Sec. 25, T07N, R40E:

A22-00537C for	10.00 cfs	04/01/1898
A22-00538C for	5.00 cfs	06/01/1884
A22-00632 for	2.08 cfs	12/01/1903
A22-12647 for	30.00 cfs	04/01/1898

~~Water rights remain in the name of the Stewart Ditch; therefore, land ownership is not an issue.~~


Keith C. Wilson
Senior Resource Agent

NOTED
MAY 2 2001

DEPARTMENT OF THE INTERIOR
UNITED STATES GEOLOGICAL SURVEY

No. 59094

IN THE DISTRICT COURT OF THE SIXTH (NOW NINTH) JUDICIAL
DISTRICT OF IDAHO IN AND FOR THE COUNTY OF FREMONT

RExburg Irrigation Company et al,
Plaintiffs,

vs

Teton Irrigation Canal Company, et al,
Defendants.

It appearing to me from the affidavit of T. F. Roueche and L. C. Rice and from the facts and circumstances which occurred at the trial of the above entitled cause, and record and testimony submitted that purely thru mistake and inadvertence, the lands hereinafter described were not decreed any water and that all parties interested in the waters of Teton River and its tributaries are willing that this order be made as hereinafter set out and that the waters herein allowed, on the land herein described should have been allowed in the original decree and would have been allowed, except for a clerical error and the clerical mistake in the drawing of the decree.

NOW THEREFORE, it is ordered, adjudged and decreed that the said decree is corrected in said clerical error in the following particulars: There is decreed to the following described land in Fremont County, Idaho to-wit: The South West quarter of Sec. 25, Twp. 7 North, Range 40 East, Boise Meridian, and to T. F. Roueche, who is now the owner of the said lands, 200 miner's inches of water, dating from May 1st, 1883, and 400 miner's inches of water dating from April 1st, 1898, to be taken thru the Pioneer Ditch from the Teton River.

Dated Dec. 17, 1913

T. M. Stevens, Judge.

Filed for record at the request of T. F. Roueche, Feb. 6th. 1915
at 4 P. M.

Sam A. Trude Recorder

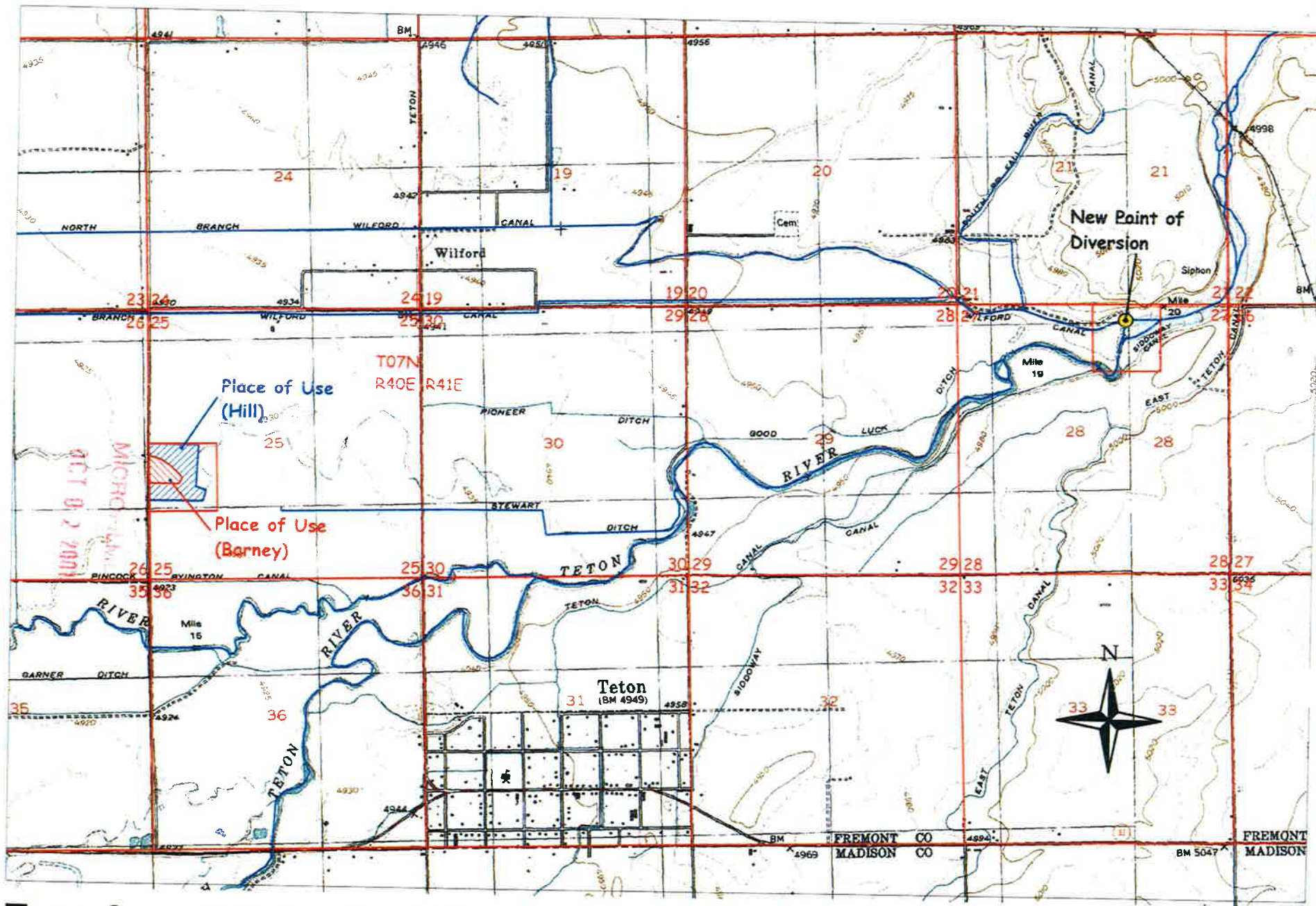
(3-29-2001)

STEWART DITCH TRANSFER

A01-12646 / A01-10648

MICROFILMED

OCT 10 1987



Page 9 of 11

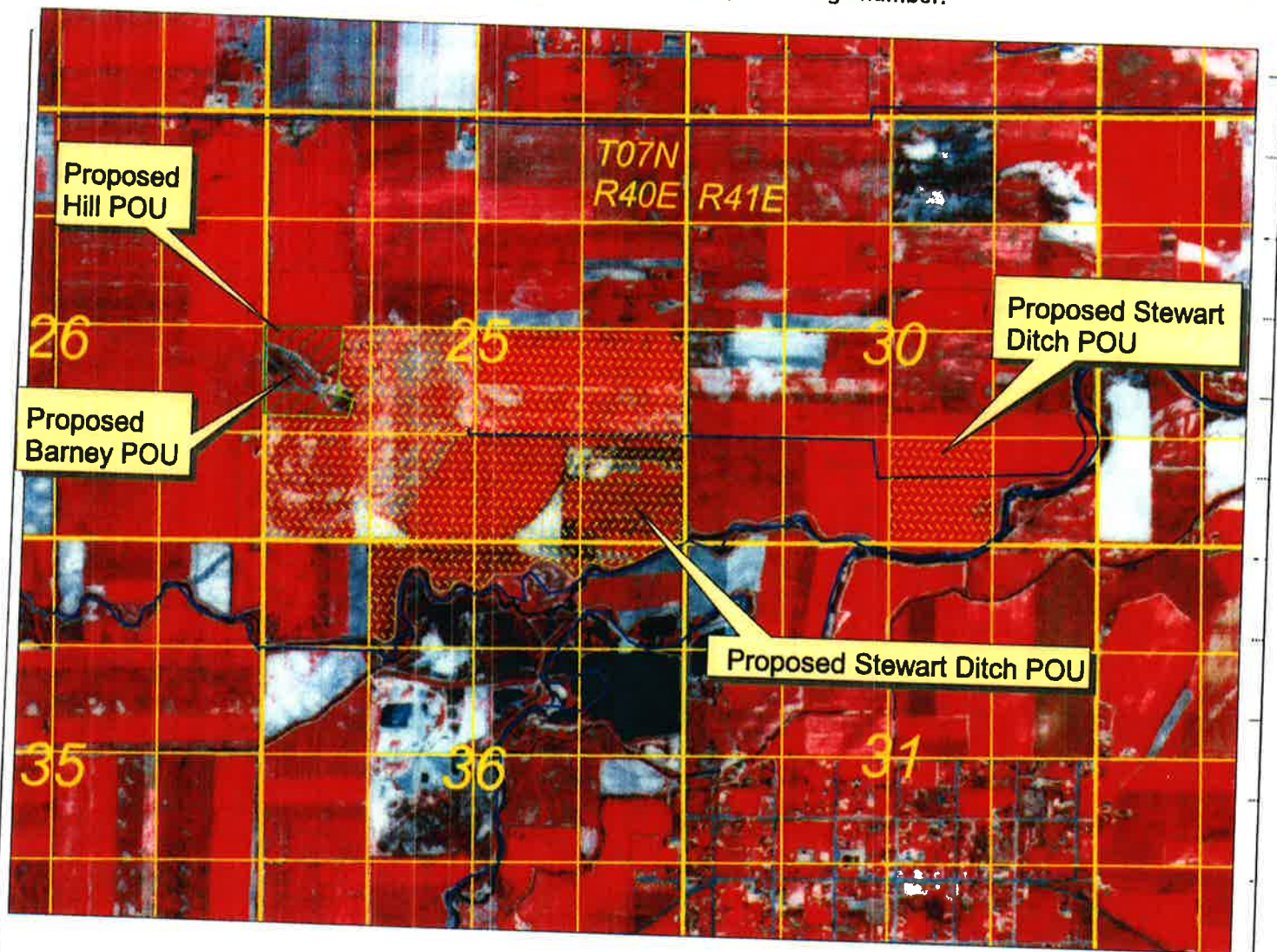
769049

Transfer -- A22-12646, A22-12648
Stewart Ditch (Hill/Barney)



APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



-  Proposed Stewart Ditch POU
-  Proposed Barney POU from Wilford Ditch
-  Proposed Hill POU from Wilford Ditch

1:24000



Transfer -- Stewart Ditch Proposed Places of Use

MOORE
OCT 02 2001

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: 22-13164

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

Department of Water Resources
Eastern Region

SCANNED

JUL 22 2005

PROFILED

KWT
7/18

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: STEWART LITCH 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.

11

This RT ORIGINATED AS A PART OF 22-12648 WHICH IS AN SRBA CLAIM OF ORIGINAL DIVERX 22-692 - THIS RT IS THE RESULT OF A SPLIT OF 12648 BY TX# 69049. (SEE TX IN 13162.)

Ac. Limited to 137² AC w/ 1377?
 Div. Vol. OF 479 5 AC

Remarks

Reviewer: _____ Date: _____

SCANNED
 JUN 17 2005
 PROFILED

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5/1/1863 Claimed Basis: DECREE

Recommended Priority Date: _____ Recommended Basis: _____

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

MATCHES DECREE

Reviewer: _____

Date: _____

PROFILED

SCANNED

JUN 17 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
2N	41E	30		NESESE	FRONT	TETON RW	HOMERS Fork

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

DERIVING FROM STONARD CANAL

22-13164, 13162, 12647, 632, 538C, 537C & same POD

Reviewer: _____ Date: _____

SCANNED

JUN 17 2005

PROTECTED

Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified: Claims 400⁰ ac, Canal POU map shows 396³IX #69049 400⁰ ac 377² FOR THIS RT AND 13162.GBS ac (396³) ARE USED FOR REASON -Limited to 137² ac w/POU AU RTs: 22-13164, 13162, 12647, 632, 538C, 532C
w/ ac limit as appropriate.

Reviewer: _____ Date: _____

SCANNED

JUN 17 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

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Per 214	4/1	10/31	3.77	479 ⁵⁰

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SOU, Q, AR Pon TX# 69049

Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 17 2005

DECREE 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
Hathaway, William; June 10, 1887; Fall River	240
Curr, Joseph; June 10, 1887; Fall River	240
Brown, Hyrum; June 1, 1888; Fall River	120
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
Silkey, I. R.; June 1, 1890; Fall River. Also right bought W. P. Drake	400
Land, G. Z.; June 1, 1890; Fall River	275
White, Henry T.; June 1, 1890; Fall River	120
Blanchard, Alma; June 1, 1890; Fall River	120
Drake, W. P.; June 1, 1890; Fall River. (Sold to J. R. Silkey)	400
Farnsworth, A. S.; June 1, 1890; Fall River	260
Seeley Brothers; June 1, 1891; Fall River	180
Brown, J. J.; June 1, 1891; Fall River	240
Farnsworth, A. T., and R. J.; June 1, 1892; Fall River	200
Blanchard, Alma; June 1, 1892; Fall River	120
Smith, T. C.; June 1, 1893; Conant Creek	100
Peterson, S. O.; June 1, 1893; Conant Creek	120
Hithell, Edward; June 1, 1894; Fall River	150
Loon, Carlos H.; May 10, 1895; Fall River	250
Langley, A. C.; June 24, 1902; Squirrel Creek	125
Yellowstone Land & Cattle Co.; June 24, 1902; Squirrel Creek	150
Smith, Henry; July 16, 1902; Fall River	100
Larysville Canal & Improvement Co., Ltd.; Nov. 5, 1895; Fall River	16,500
Farmers Own Ditch Co., Ltd.; Apr. 1, 1896; Fall River	1,700
Hester Canal & Irrigation Co., Ltd.; Apr. 1, 1896; Fall River	5,600
Lloyd, Thomas W.; June 1, 1896; Fall River	150
Peterson, S. O.; June 1, 1899; Conant Creek	40
Langley, A. C.; Aug. 1, 1899; Squirrel Creek	20
Highland Ranch Improvement Co., Ltd.; May 15, 1900; Boone Creek	150
Harrigfeld Canal & Irrigation Co., Aug. 4, 1900; Fall River	3,000
Ivory, C. J.; Sept. 24, 1900; Fall River	150
Conant Creek Canal Co.; May 1, 1901; Conant Creek	1,000
Squirrel Creek Irrigation & Canal Co.; Sept. 1, 1901; Squirrel Creek	1,000
Boone Creek Canal Co.; Sept. 15, 1901; Boone Creek	5,000
West, Curtis B.; June 1, 1903; Fall River	30
Yellowstone Land & Cattle Co.; July 1, 1903; Squirrel Creek	250
Farmers Own Ditch Co., Ltd.; May 1, 1904; Fall River	600
erry, M. R., and R. V. McBain and William H. Dunlap;	

23,000

18,000

260

400

275

120

120

400

260

180

240

200

120

100

120

150

250

125

150

100

16,500

1,700

5,600

150

40

20

150

3,000

150

1,000

1,000

5,000

30

250

600

23,000

18,000

260

400

275

120

120

400

260

180

240

200

120

100

120

150

250

125

150

100

16,500

1,700

5,600

150

40

20

150

3,000

150

1,000

1,000

5,000

30

250

600

30

250

600

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 Harrigfeld 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 Garn, Martin, Mar. 15, 1879; Moody Creek	480
To be reduced to 240 inches after June 20th in each year	240
2 Rowe, Reuben H., and Morris McCormick; June 1, 1879; Teton River. (Through McCormick & Rowe Ditch)	220
6 Woodmansee, Charles H.; Mar. 15, 1881; Moody Creek	320
To be reduced to 160 inches after June 20th of each year	160
9 Teton Island Canal Co.; Mar. 1, 1883; Teton River	518
10 Woodmansee, Charles H.; Mar. 15, 1883; Moody Creek	160
To be reduced to 80 inches after June 20th of each year	80
11 Pioneer Ditch Co.; May 1, 1883; Teton River	528
12 Hansen, N. P.; May 15, 1883; South Fork of Teton River. (Sold to Lee Burrows)	160
14 City of Rexburg; June 10, 1883; Teton River. (For power and municipal purposes)	1,350
14 Rexburg Irrigation Co.; June 10, 1883; Teton River	6,500
15 Bird, Martin L., F. W. Garner and George A. Pincock; Mar. 1, 1884; Pincock-Garner Ditch	444
15 Pincock-Byington Ditch Co.; Mar. 1, 1884; Teton River	356
17 Hill Ditch Co.; May 1, 1884; Teton River	348
18 Teton Island Canal Co.; May 22, 1884; Teton River	3,500
20 Good Luck Canal Co.; June 1, 1884; Teton River	500
20 Liston, H. S.; June 1, 1884; Spring Creek	240
20 Yearsley, John H.; June 1, 1884; Spring Creek	60
20 Wolf Ditch Co.; June 1, 1884; Teton River	1,265
20 Wilford Irrigation & Manufacturing Co.; June 1, 1884; Teton River	3,392
20 Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; June 1, 1884; Teton River	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
20 Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	2,202
24 Woodmansee, Charles H.; Mar. 15, 1885; Moody Creek	640
To be reduced to 320 inches after June 20th of each year	320
26 Nelson, David; May 1, 1885; Teton River. (Through Nelson-Jacobs Ditch)	216
27 Windmill, Richard, and Richard Withers and Oscar B. Young; May 31, 1885; Teton River. (Eckersell Canal)	216
28 Roxana Canal Co.; June 1, 1885; Teton River. (To be diverted from Teton Island Feeder Canal)	800
28 Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton River	4,000
28 Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton	

SCANNED

JUN 17 2005

OPTIM

RECEIVED

SEP 24 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 69049

This is to certify that: STEWART DITCH
C/O REED ASHCRAFT
RT 1 BOX 1061
ST ANTHONY ID 83445
(208)458-4420

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
22-12646	AJC/Decreed	04/01/1898	8.00 cfs		400.0	400.0	TETON RIVER
22-12648	AJC/Decreed	05/01/1883	4.00 cfs		400.0	400.0	TETON RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-12646	YES	YES	NO	NO	NO	NO
22-12648	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-12646	22-13163	0.46 cfs	80.5 af	23.0	23.0	22-13162	7.54 cfs	479.5 af	137.0	377.0
22-12648	22-13165	0.23 cfs	80.5 af	23.0	23.0	22-13164	3.77 cfs	479.5 af	137.0	377.0
TOTALS		0.69 cfs	80.5 af	23.0	23.0		11.31 cfs	479.5 af	137.0	377.0

Detailed Water Right Description(s) attached

Dated this 18th day of September, 2001

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13164
As Modified by Transfer No. 69049

In accordance with the approval of Transfer No. 69049, Water Right No. 22-13164 is now described as follows.

Right Holder: STEWART DITCH
 C/O REED ASHCRAFT
 RT 1 BOX 1061
 ST ANTHONY ID 83445

Priority Date: 05/01/1883

Source: TETON RIVER

Tributary: HENRYS FORK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.77 CFS	479.5 AF
			3.77 CFS	479.5 AF

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER NESESE Sec. 30 Twp 07N Rge 41E FREMONT 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	
07N	40E	25									40.0	17.0	38.0	39.0	40.0	40.0	40.0	40.0	294.0
07N	40E	36	7.0	14.0			22.0												43.0
07N	41E	30															40.0		40.0

Total Acres: 377

CONDITIONS OF APPROVAL

- Right 22-13164 is limited to the irrigation of 137.0 acres within the place of use described above in a single irrigation season.
- Rights 22-13162 and 22-13164 when combined shall not exceed a total annual maximum diversion volume of 479.5 af at the field headgate, and the irrigation of 137.0 acres.
- Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 18th day of September, 2001


 Chief, Water Allocation Bureau

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 22-13164
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

STEWART DITCH Phone: (208)458-4420
C/O REED ASHCRAFT
RT 1 BOX 1061
ST ANTHONY ID USA 83445

2. Date of Priority: 05/01/1883

3. Source: TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
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	10/31	3.77	479.5

7. Total Quantity Appropriated is:
3.77 C.F.S. and/or 479.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

Right 22-13164 is limited to the irrigation of 137.0 acres within the place of use described above in a single irrigation season.

Rights 22-13162 and 22-13164 when combined shall not exceed a total annual maximum diversion volume of 479.5 af at the field headgate, and the irrigation of 137.0 acres.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed