

03/12/2002

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

RIGHT NUMBER: 29-13299

NAME AND ADDRESS: MARGIE H STEWART
8574 BOB SMITH RD
LAVA HOT SPRINGS ID 83246

LYNN W STEWART
8574 BOB SMITH RD
LAVA HOT SPRINGS ID 83246

SOURCE: WEST BOB SMITH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.10 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.095 (0.10) CFS. COMBINED RIGHT NOS.: 29-207B,
29-214B, 29-215B, 29-10774B, 29-10776B, 29-13299.

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

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T09S R37E S15 SENENW Within BANNOCK County

T09S R37E S15 SESENEW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S15 NWSE 8.0

STOCKWATER Within BANNOCK County

T09S R37E S15 NWSE

8 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-207B, 29-214B, 29-215B, 29-10774B,
29-10776B, 29-13299.

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

EXPLANATORY MATERIAL: Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 29-207A/B, 29-214A/B, 29-215A/B,
29-10774A/B, 29-10776A/B, 29-13299, 29-13300.

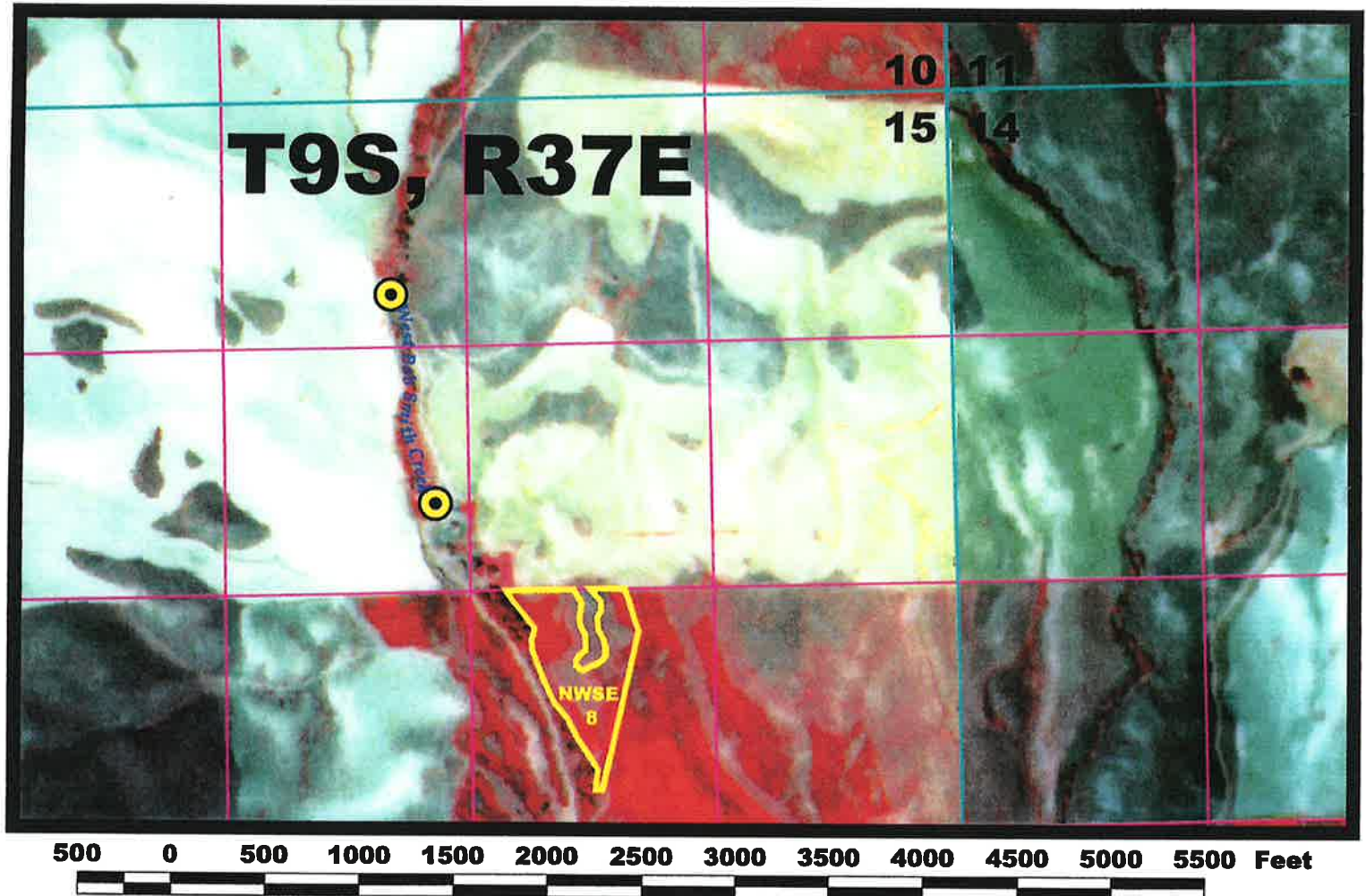


STATE OF IDAHO

Department of Water Resources

Eastern Region

**Water Right(s): 29-207B, 29-214B
29-215B, 29-10774B, 29-10776B,
29-13299**

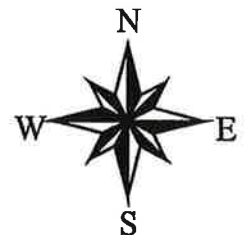


LEGEND

-  **Place of Use**
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

**Place of Use: T9S, R37E
(part of) Sec. 15 NWSE**

**Point(s) of Diversion: T9S, R37E
Sec. 15 SENENW, SESENW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: February 2002

T9S, R37E

10

11

15

14

West Bob Smith Creek

**NWSE
8**

February 15, 2002

Re: Beneficial Use of Irrigation/Stockwater

To: Idaho Department of Water Resources

Dear: Sir

I have personal knowledge that the land owned by Ellis & Olive Willmore, then sold to Eldrid Leo & Genevieve Hall, then to his son Max Wengreen Hall, was irrigated long before April 15, and after October 31 each year. This is south sloping ground and historically has been irrigated, and stock watered, well in excess of the current irrigation season. Therefore the priority date of August 17, 1932 (as stated in your letter of December 17, 2001), is well satisfied.

Sincerely,

Dean Day

Dean Day
Lava Hot Springs, Idaho

Notary
Renee McBride



Idaho Department of Water Resources Receipt

Receipt ID E027488

Payment Amount \$50.00 Date Received 2/28/2002 8:18:07 AM Region Eastern Status ☒
 Payment Type Check Check Number 8736

Payer STEWART, LYNN
 Comment 29-13299

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	43503	1155	


 Signature Line (Dept. Representative)

S LYNN W. STEWART 5-95 8736
 MARGIE H. STEWART
 8574 BOB SMITH 776-9770
 LAVA HOT SPRINGS, ID 83246

Date 2-26-02 31-1/1240 328

Pay to the Order of Department of Water Resources \$ 50.00
Fifty dollars & no/100 Dollars

First Security
 Banking • Investments • Insurance
 1-801-342-2000

For A29-13299 Margie H. Stewart

1240000121328 155341 8736

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 29-13299
Date Received: 2/28/2002
Receipt No: E027488
Received By: ABR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LYNN W STEWART Phone: (208)776-9770

8574 BOB SMITH RD
LAVA HOT SPRINGS ID USA 83246

MARGIE H STEWART Phone: (208) 776-9770

8574 BOB SMITH RD
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 08/07/1932

3. Source: WEST BOB SMITH CREEK , WEST BOB SMITH CREEK Trib. to: PORTNEUF RIVER ,
PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
09S	37E	15	SE	NE	NW	BANNOCK	
09S	37E	15	SE	SE	NW	BANNOCK	

5. Description of diverting works:

CREEK DIVERSIONS TO PIPELINE W/ SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.1	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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MAR 07 2002
Department of Water Resources
Eastern Region

Number of other uses: 6

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	37E	15	NW	SE	IRRIGATION	8
			NW	SE	STOCKWATER	
					Section Acres	8
					Total Acres	8

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

EXTENDED SOU CLAIM.

15. Basis of Claim:

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):

Sam A. Stewart
Margie H. Stewart

Date: *March 6, 2002*

Date: *3-6-2002*

State of Idaho)

County of

Bannock

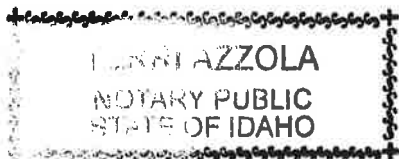
) SS.

Subscribed and sworn (or affirmed) before me this

John Dany
Levi Azzola

of *March* 2002

Notary Public



Residing at

Bannock County / Pocatello ID

My commission Expires

May 24, 2003