

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: A37-00370
Date Received: 9/19/1988
Receipt No: S002277
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS G. STEWART 208-823-4403
Address: P.O. BOX 254
CAREY, ID 83320

AND/OR
Name: CAROLYN STEWART 208-823-4403
Address: P.O. BOX 254
CAREY, ID 83320

2. Date of Priority: MAY 31, 1883

3. Source: LITTLE WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	21E	30	NW	SW	SE		BLAINE

5. Description of diverting works:
HEADGATE, SPRINKLERS, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	11/01	2.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	21E	5	SW		SE		IRR	25.0
			SE		SE		IRR	35.0
							Section Acres	60.0
		8	NE		NE		IRR	35.0
			NW		NE		IRR	35.0
			SE		NE		IRR	40.0
			NE		SE		IRR	25.0
							Section Acres	135.0
							Total Acres	195.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

WATER CONTROLLED BY LITTLE WOOD RESERVOIR CO. CLAIMANT PAYS
CANAL CO SHARES FOR THE WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): Dennis G. Stewart Date: 9-19-88
_____ Date: _____

State of Idaho)
County of TE) SS.

Subscribed and sworn (or affirmed) before me this 19 day d
of Sept 19 88 Lois White
Notary Public

Seal

Residing at TE
My Commission Expires 5/95

04/12/2005

**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: June 3, 2005

Water right number: 37-370

CAROLYN STEWART
20120 HWY 93
CAREY ID 83320

DENNIS G STEWART
20120 HWY 93
CAREY ID 83320
Telephone Number: (208)824-4062

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: 4-30-05 SIGNATURE: *Dennis G Stewart*
Please print your name: DENNIS G STEWART

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

03/29/2005

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

RIGHT NUMBER: 37-370

NAME AND ADDRESS: CAROLYN STEWART
20120 HWY 93
CAREY ID 83320

DENNIS G STEWART
20120 HWY 93
CAREY ID 83320

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.800 CFS

PRIORITY DATE: 05/31/1883

POINT OF DIVERSION:

T01N R21E S30 NWSWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.800 CFS

PLACE OF USE:

IRRIGATION Within BLAINE County

T02S R21E S08	NENE	35.0	T02S R21E S08	NWNE	25.0
T02S R21E S08	SENE	36.0	T02S R21E S08	NESE	16.0

112 ACRES TOTAL

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.

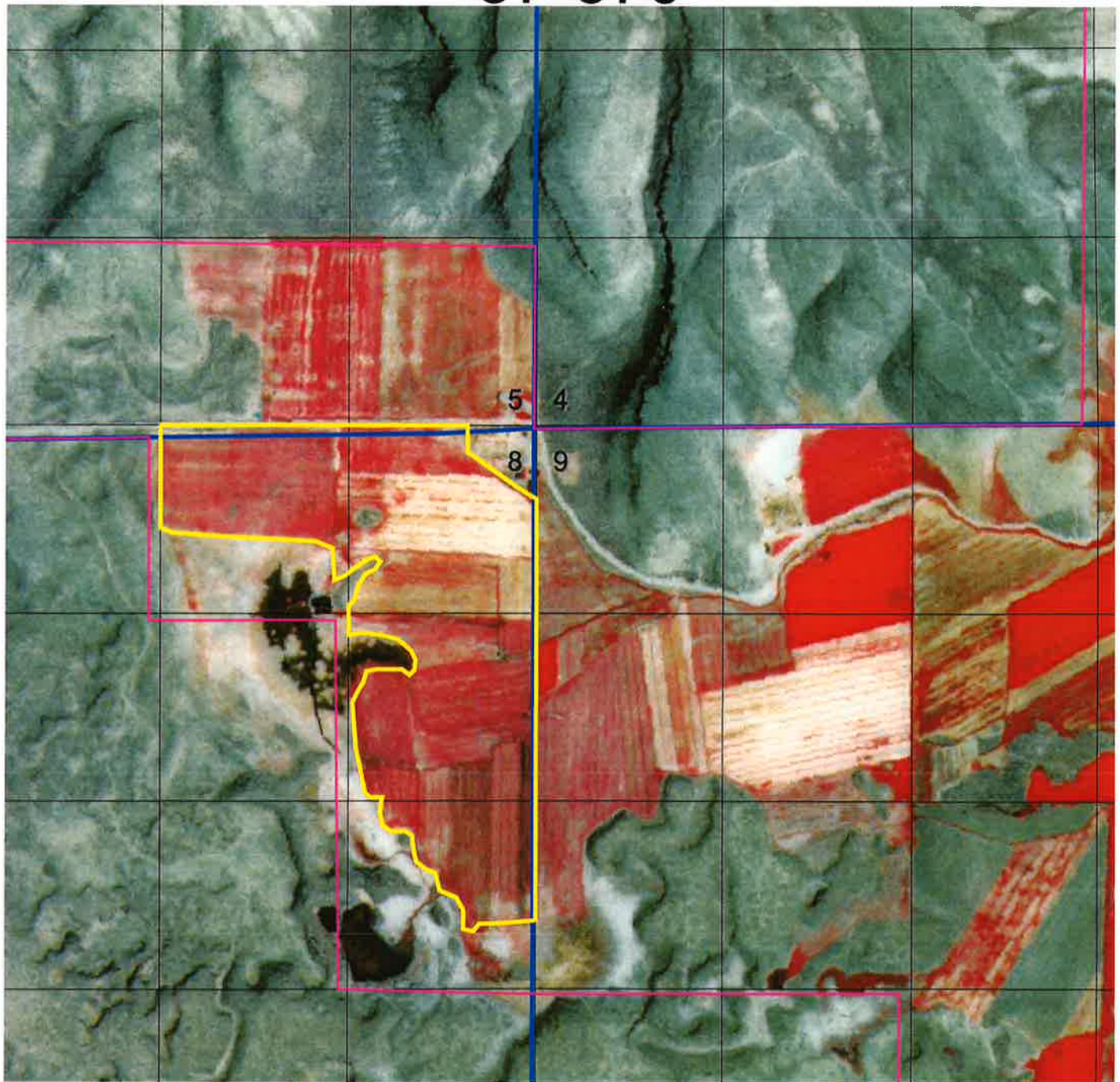
EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH WEST CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM LITTLE WOOD RIVER IRRIGATION DIST.

IDAHO DEPT OF WATER RESOURCES

37-370



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 2S
RNG: 21E
SEC. 8



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MARCH 29, 2005

37-370

(STEWART)

3/19/04
SCC

claimant has claimed an enlargement onto S. 5 lands in this claim. It will not be rec'd since it can be irrigated by LWID.

Review of DOQQ Y77 SW 1992 indicates same lands irrigated as in 1987 NAPP within the decreed POU.

GIS acres $\cong$ 112 acres vs 195 claimed

West canal per location on map.

T2S
R21E

37-370

112 AC.

5

4

8

9

DRAFT
Pool

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-370

WATER RIGHT NUMBER: 37-370

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner	DAVID KELLY
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ZZ

Priority Date: 05/31/1883

Basis: Decreed

Status: Active

Source

Tributary

LITTLE WOOD RIVER

MALAD RIVER

Beneficial Use

From _____ To _____

Diversion Rate

Annual Volume

IRRIGATION

/ to /

2.800 CFS

Total Diversion: 2,800 CFS

2.800 CFS

Location of Point(s) of Diversion

LITTLE WOOD RIVER

Place of Use

IRRIGATION

Twp Rge Sec

02S 21E 8

NE				NW				SW				SE				Totals
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
X	X		X									X				

Conditions of Approval:

Remarks:

Comments:

~~all for claimed plus~~ ~~surge~~
claim expanded into S.5
(fund covered by LWD)