

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 37-4239
Date Received: 7/26/1988
Receipt No: S001096
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CLAYTON L STEWART Phone: (208)726-3290
PO BOX 44
SUN VALLEY ID USA 83353

2. Date of Priority: 07/01/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	12	SE SW	BLAINE	

5. Description of diverting works:

WELL, PUMP, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.06	0.03
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	17E	12	SE SW	DOMESTIC IRRIGATION	1
Section Acres					1
Total Acres					1

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:

15. Basis of Claim: Statutory 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____
of _____ 20 _____

Notary Public

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: 39576

Ident. Number: A37-04239
Date Received: 7/26/1988
Receipt No: S001096
Received By: *lw*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLAYTON L. STEWART
Address: P. O. BOX 44
SUN VALLEY, ID 83353 208-726-3290

2. Date of Priority: JUL 01, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	12	SE	SW			BLAINE

5. Description of diverting works:
WELL, PUMP, SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/31	0.060		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	12	SE	SW		DOMEST IRR	2.0

Section Acres 2.0

A37-04239

Page 1

Date: 07/26/88

MICROFILMED
FEB 23 1993

Total Acres 2.0

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

14. Remarks:
2 ACRES DIVIDED INTO 3 LOTS.

16. Signature(s)

Number of attachments: _____

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Clayton L. Stewart Date: 7-26-88
Date: _____

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of July 19 88 Wm. White
Notary Public

Residing at T.F.
My Commission Expires 5/95

7/26/88
MICROFILMED
FEB 23 1993

05/11/2005

**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: 37-4239

CLAYTON L STEWART

PO BOX 44

SUN VALLEY ID 83353

Telephone Number: (208)726-3290

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: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

05/11/2005

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

RIGHT NUMBER: 37-4239

NAME AND ADDRESS: CLAYTON L STEWART
PO BOX 44
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
4.60 AFY

PRIORITY DATE: 07/01/1962

POINT OF DIVERSION:
T04N R17E S12 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	04/15 10/31	0.030 CFS 4.00 AFY

PLACE OF USE: IRRIGATION Within BLAINE County
T04N R17E S12 SESW 1.0
DOMESTIC Within BLAINE County
T04N R17E S12

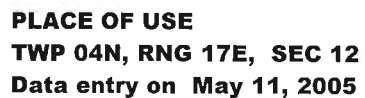
1 ACRES TOTAL

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: BASIS OF CLAIM - Statutory Claim

RECOMMENDED PLACE OF USE FOR 37-4239





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

05/11/2005

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

RIGHT NUMBER: 37-4239

NAME AND ADDRESS: CLAYTON L STEWART
PO BOX 44
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
4.600 AFY

PRIORITY DATE: 07/01/1962

POINT OF DIVERSION:

T04N R17E S12 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 0.60 AFY
IRRIGATION	04/15 10/31	0.030 CFS 4.00 AFY

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R17E S12
IRRIGATION Within BLAINE County
T04N R17E S12 SESW 1.0

1 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

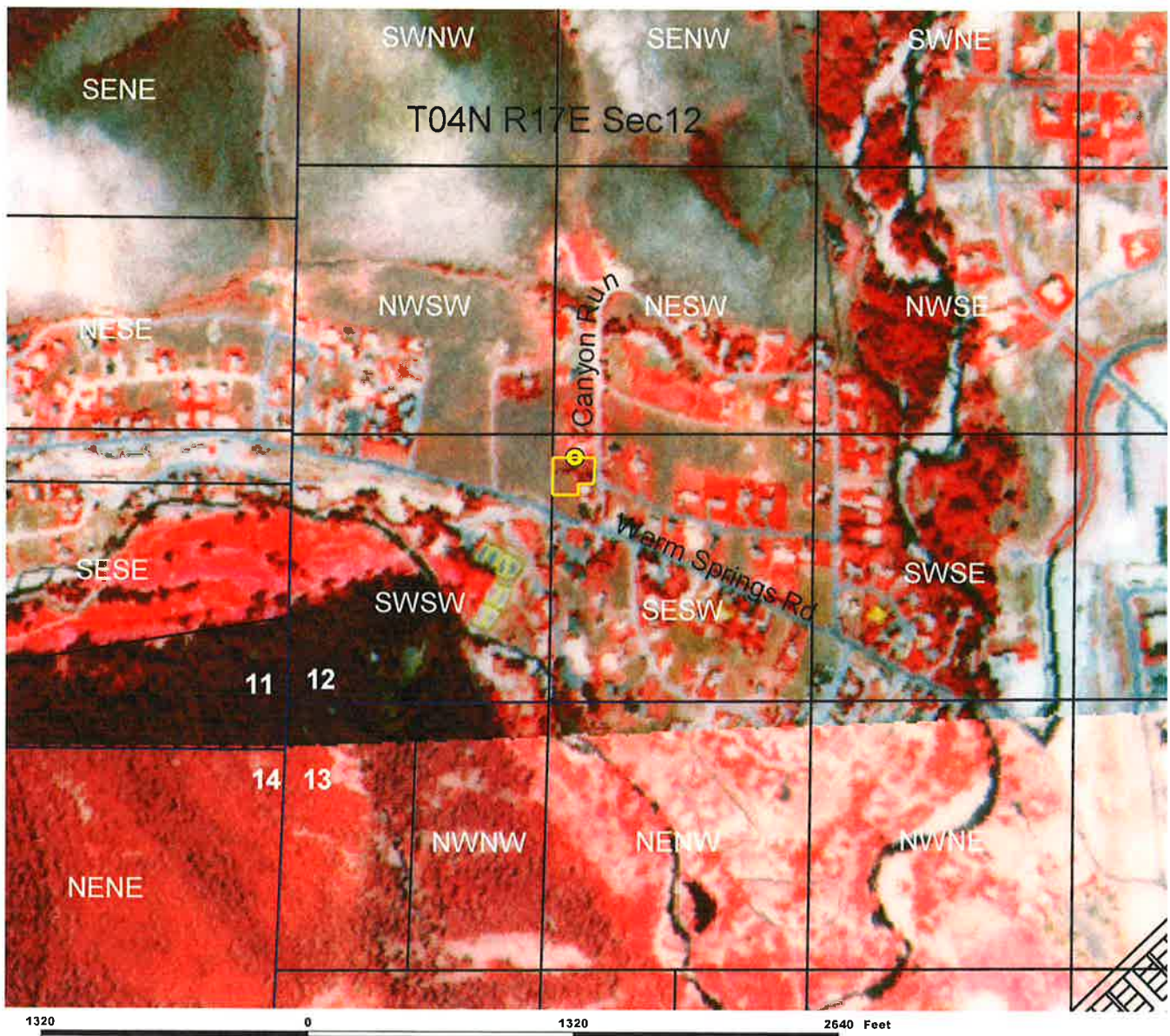
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Statutory Claim

VERIFIED BY NT

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
37-4239**



PLACE OF USE
TWP 04N, RNG 17E, SEC 12
Data entry on May 11, 2005

- | | | | | | |
|--|--------------------------------|--|--------------------------|--|-------------------|
| | RECOMMENDED POINT OF DIVERSION | | RECOMMENDED PLACE OF USE | | LOCATION IN BASIN |
| | TOWNSHIP LINES | | SECTION LINES | | |
| | QUARTER/QUARTER LINES | | | | |

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



File No.
A37-04239

Owner
Clayton L. Stewart
P.O.Box 44
1220 West Canyon Rd.
Sun Valley

Date
5/10/05

Yesterday I called Clayton and made an appointment to meet him at 9:30 this morning at his home which I did and we went thru his file for the well beside his property. I told him about the priority date on this claim Which he was aware of and said he certainly remembers this well providing a number of homes with water then because he was renting a home in this area at that time prior purchasing a home here in sun valley, So he wrote the letter included to verify this date. Previously this water could have been for 2 acres but it Is now used on 1 acre , home ,lawn and etc. so he showed me the well for GPS,

Clayton is 86 years old.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Photo looking E	Stewrt 1	2469318	1387840	A0016184	1050584

Lee R. Peterson

RECEIVED

MAY 11 2005

Department of Water Resources
Southern Region

Notes

5/4/05

statutory claim, no documents providing any evidence of priority found.

According to taxlot information The Claimants^{physical} address is:

Clayton Stewart

1220 Canyon Run BLVD

Sum Valley, ID 83340

Requesting field examination in order to provide valid recommendation

NT

5/11/05

Received valid Evidence of Priority from

Clayton Stewart Clayton Requested to Amend claim to indicate 1 acre/0.03^{cf}s instead of the 2 acres

To. Idaho Dept. Water Resources 5-10-05

I Clayton L. Steward have lived in this area prior to 1962. I know this well was here at that time & it provided water to some homes along West Canyon Road.

Clayton L. Steward
May 10, 2005.

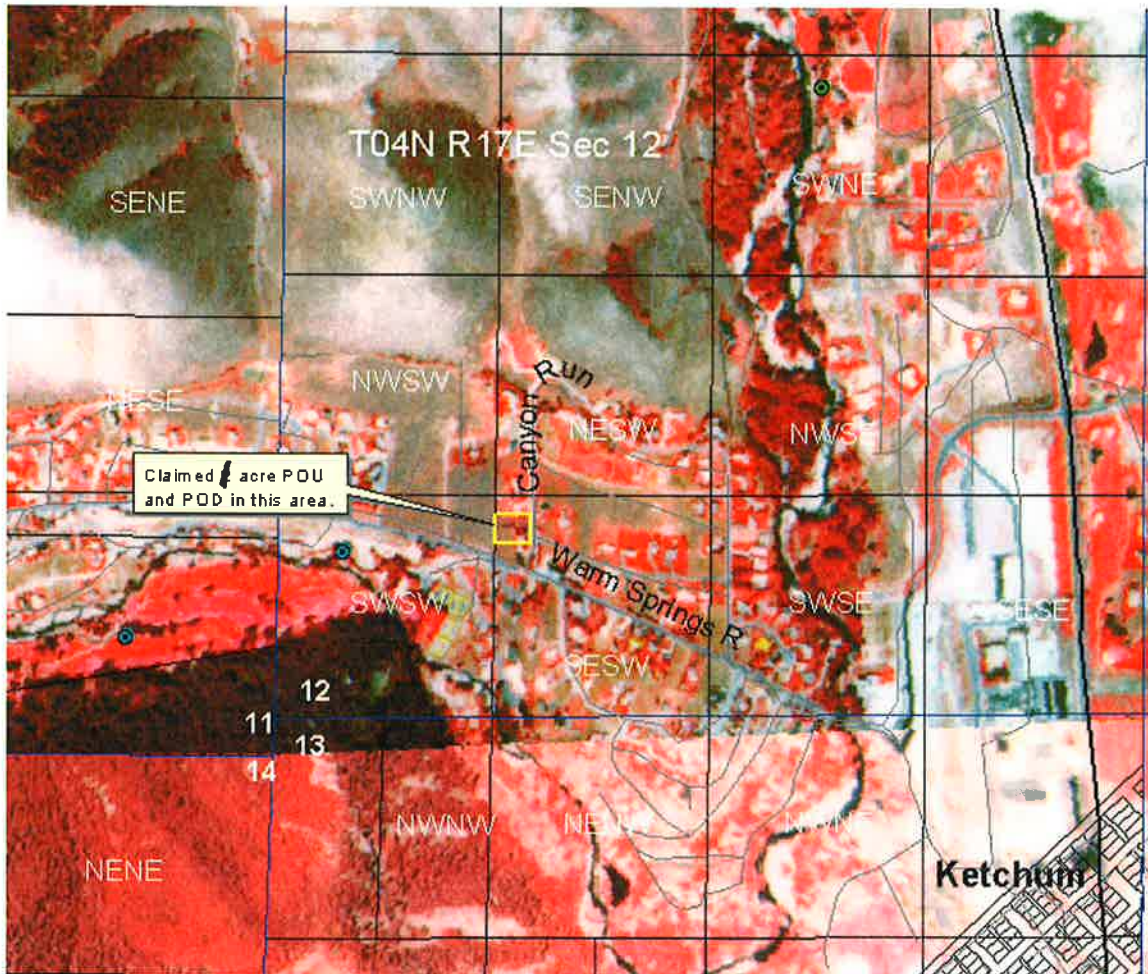
RECEIVED

MAY 11 2005

Department of Water Resources
Southern Region

Joe R. Steward
Witness

Claim 37-4239



This is a Statutory Claim on groundwater on ^{1/4} acres somewhere Canyon Run Blvd. Rd.
We need the following:

- Verify the exact Place of Use of the claim (^{1/4} acres).
- GPS the Point of Diversion (groundwater)
- We have no Evidence of Priority on file. They need to submit the proper evidence to verify the claimed priority of July 1, 1962.

Clayton Stewart
1220 Canyon Run Rd.

*years ago this well was used for
5 or 6 homes but now city provides
water all but 1 home owned by Clayton*