

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4368
WATER RIGHT NO(S). 34-02419B/34-12391

RECEIVED
DEC 15 1997
Department of Water Resources
Eastern Region

This is to certify that: **G CRAIG STEWART**
JACKIE STEWART
RT 1 BOX 58B
MOORE ID 83255

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-02419B :			
IRRIGATION	04/15 to 10/15	1.96 CFS	343.0 AF
Priority: 06/05/1961			
Right No. 34-12391 :			
IRRIGATION	05/01 to 10/15	0.98 CFS	343.0 AF
Priority: 05/02/1984			
	TOTAL:	* 1.96 CFS	* 511.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 20, Township 04N, Range 26E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	26E	20	NENE 38	SENE 36	NESE 40	114
		21	NWSW 32			32
Total number of acres irrigated:						** 146

CONDITIONS OF APPROVAL AND REMARKS

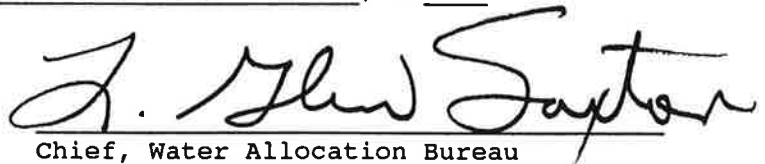
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by this Department on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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WATER RIGHT NO(S). 34-02419B/34-12391

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this 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.
- ** 9. Right 34-02419B is limited to the irrigation of 98 acres within the place of use described above in a single irrigation season.
10. Right 34-12391 is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
- ** 11. Right 34-12391 is limited to the irrigation of 98 acres within the place of use described above in a single irrigation season.
- * 12. Rights 34-02419B and 34-12391 when combined shall not exceed a total diversion rate of 1.96 cfs, a total annual diversion volume of 511.0 af, and the irrigation of 146 acres.
- ** 13. Rights 34-02419B, 34-12391, 34-00213E, 34-00214C, 34-00589 and 34-00943 when combined shall not exceed a total diversion rate of 2.92 cfs, a total annual diversion volume of 511.0 af, and the irrigation of 146 acres.

Dated this 9th day of December, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES 34-02419B & 34-12391

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER 4368

DATE: November 19, 1997

=====

Transfer 4368 changes the place of use under Rights 34-02419B and 34-12391. The applicant is selling a portion of the property without water rights and concentrating the rights on the remaining acres.

This transfer was withheld from processing pending resolution of the "expansion" claims in the SRBA since Right 34-12391 is a beneficial use claim based on an enlargement of Right 34-02419B. The claim was reformatted to reflect the enlargement statute, Section 42-1426, Idaho Code, under an "R" prefix on the adjudication database. These "R" records were the basis of the transfer as advised by the adjudication section.

A non-standard season of use was recommended on Right 34-12391 corresponding with the overlapping surface rights and was retained on the transfer approval. Recommended conditions include watermaster control, measuring device/lockable controlling works, supplemental groundwater, irrigation overlap, reduced acres, combined limits, enlargement right and standard transfer conditions.

Page _____ of _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 4368

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant G. Craig or Jackie Stewart Phone (208) 527-3621
Post Office address Rt 1 Box 58B Moore Id 83255 O/K

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Reduce acres under right
2. Describe the reason for the proposed changes Selling a portion of the area under right with out water.

* See conditions

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-12391</u>	<u>5/2/1984</u>	<u>0.98 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-24198</u>	<u>6/5/1961</u>	<u>1.96 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

* 2. Total amount of water being transferred 1.96 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	20	4N	26E	Butte	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	26E	20	38			36										40			114
		21										32							32

PART 1

6. General Information:

a. Description of diversion system well pump mainline to laterals with sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will be sold without water, and dried up.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Recommended in Director Report of SRBA

a. Decree No. 34-2419B Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 5 June 1961

5. Water is used for the following purpose:

amount 1.96 cfs for IRRIGATION purposes from 4/15 to 10/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.96 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	20	4N	26E	Butte	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	26E	20	38			36									40				114
		21									33	32				33			98

Total acres 212

9. Describe any other water rights used for the same purpose as described above 34-12391, 34-0943/0213E/

0214C/0589

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-27-1992

PAGE: A-1175

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY		BASIS OF CLAIM
SOURCE: GROUNDWATER							
34-024198	G. CRAIG STEWART JACKIE STEWART RT. 1 BOX 58B MOORE ID 83255	06/05/1961	IRRIGATION	04-15 10-15	1.96 343.0	CFS AFY	LICENSE
POINT OF DIVERSION: T04N R26E S20 PLACE OF USE: IRRIGATION					TOTAL QUANTITY:	1.96	CFS
		NWNWNE					
T04N R26E S20		NENE 38.0	SENE 36.0	NESE 40.0			
S21		NESW 33.0	NWSW 32.0	NWSE 33.0			
212.0 ACRES TOTAL							

REMARKS: RIGHT NO. 34-12391 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).
 RIGHT NOS. 34-02419A AND 34-12391 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 98 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
 USE OF THIS RIGHT WITH RIGHT NO. 34-12391 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.96 CFS, TOTAL COMBINED DIVERSION VOLUME OF 742 AF. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW LIMITED TO A COMBINED DIVERSION RATE OF 4.24 CFS, A TOTAL COMBINED CONSUMPTIVE USE VOLUME OF 530 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 212 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-12391, 34-00943, 34-00213E, 34-00214C AND 34-00589.

PART 1

6. General Information:

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Recommended by Directors Report in SRDA

a. Decree No. 34-12391 Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date or priority 2 May 1984

5. Water is used for the following purpose:

amount 0.98 cfs for IRRIGATION purposes from 5/1 to 10/15

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 0.98 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	20	4N	26E	Butte	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals.
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	26E	20	58			36									40				114
		21									33	32				33			98

Total acres 212

9. Describe any other water rights used for the same purpose as described above 34-2419B, 34-0943/0213E

0214C/0589

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that 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.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. Craig Stewart
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of JUNE, 1994.

Ernest Carlson
(Notary Public)

My commission expires June 14, 1994.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by KCW
Received by _____

Date 10 June 94

Protest filed by _____

Prelim. check by _____

Fee 50⁰⁰ # E019913

Receipted by KCW

Date 10 June 1994

Published in Arco Advertiser

Copies of protest forwarded by _____

Pub. dates 7-7-94 - 94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

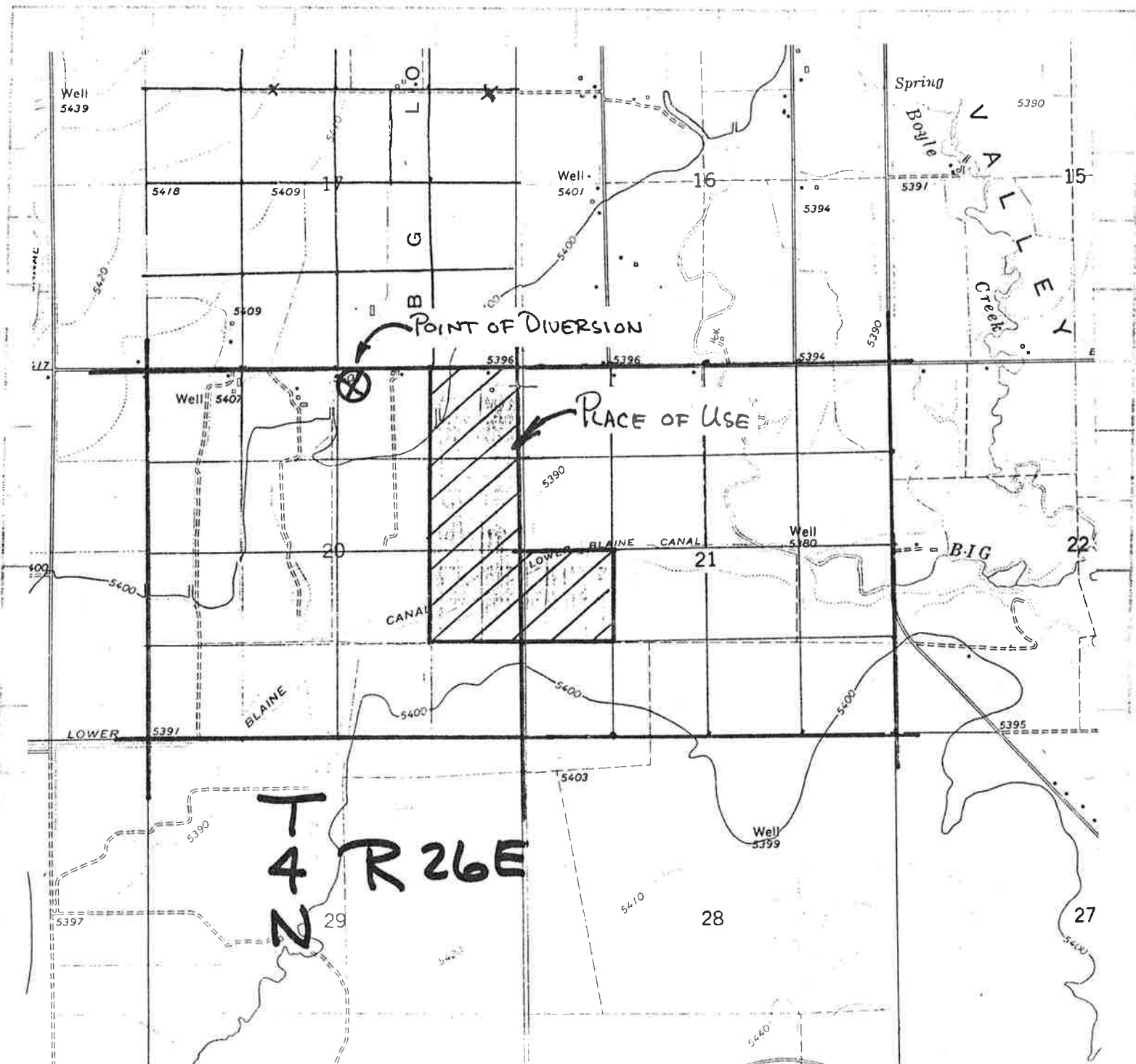
Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that 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.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. Craig Stewart
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of JUNE, 1994.

Ernest Carlson

(Notary Public)

My commission expires June 14, 1994.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Assisted by KewReceived by _____ Date 10 June 94

Protest filed by _____

Prelim. check by _____ Fee 50⁰⁰ # E019913Receipted by Kew Date 10 June 1994Published in Area Advertiser

Copies of protest forwarded by _____

Pub. dates 7-7-94 - 94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____