

T5035 STEWART

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 09 1997

TRANSFER NO. 5035
WATER RIGHT NO(S). 35-07857D/35-07920D

Department of Water Resources
Eastern Region

This is to certify that: REID STEWART
3100 W 1000 S
ABERDEEN ID 83210

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. 35-07857D :			
IRRIGATION	04/01 to 10/31	1.96 CFS	392.0 AF
Priority: 05/09/1979			
Right No. 35-07920D :			
IRRIGATION	04/01 to 10/31	0.78 CFS	208.0 AF
Priority: 09/29/1980			
	TOTAL:	2.74 CFS	600.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 21, Township 07S, Range 29E
POWER 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>
07S	29E	21	SWNE 35	SENE 35	NESE 40	150
			NWSE 40			*150
Total number of acres irrigated:						

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 5035
WATER RIGHT NO(S). 35-07857D/35-07920D

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. 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.
5. Prior to diversion of water under this approval, the right holder shall install a suitable measuring device or shall enter into an agreement to determine the amount of water diverted from power records and shall annually report the information.
- *6. Right No. 35-07857D is limited to the irrigation of 98.0 acres in the place of use described above in a single irrigation season.
- *7. Right No. 35-07920D is limited to the irrigation of 52.0 acres in the place of use described above in a single irrigation season.

Dated this 27th day of June, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NOS. 35-07857B, 35-07920B & 35-08626

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER NO. 4962

DATE: June 18, 1997

===== *dc* 

Transfer No. 4962 changes the place of use under Right Nos.
35-07857B, 35-07920B and 35-08626.

The proposed place of use is adjacent property and will be served by the same well and linear system. The applicant proposes to file a new application for transfer to include both old and new parcels of land as a combined permissible place of use for future use.

Recommended conditions include measuring device & annual reporting, combined right diversion rate limit for Right Nos. 35-07920B & 35-08626, irrigation overlap and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Reid Stewart Phone (208) 397-4572
Post Office address 3100 W 1000 S, Aberdeen ID 83210

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 _____
2. Describe the reason for the proposed changes 150 Acres of these rights being transferred to
the Kim Wahlen farm.

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>35-07857D</u> | <u>5/9/1979</u> | <u>1.96 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| <u>35-07920D</u> | <u>9/29/1980</u> | <u>0.76 cfs</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> to <u> </u> |

2. Total amount of water being transferred 2.72 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

- a. Description of diversion system Well & pump to one 150 acre pivot

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:
Applicant intends to transfer other water from a different source to this ground.

- 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 _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 35-07920A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	2.93 CFS

SOURCE

GROUNDWATER

Priority: 09/29/1980

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 30, Township 04S, Range 31E
BINGHAM CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	30E	25	NESE 22	SESE 29		51
	31E	30	SWNW 3	SENW 3	NESW 30	
			NWSW 39	SWSW 38	SESW 34	
			NWSE 33	SWSE 40		220
			Total number of acres irrigated:			271

CONDITIONS/REMARKS:

1. Use of Right No. 35-07920A shall not exceed a total combined rate of diversion of 6.53 cfs when combined with Right Nos.
2. 35-02540, 35-07920B and 35-08626.
3. Use of this right with Right No. 35-02540 is limited to a total combined annual diversion volume of 1,084.0 af and to the irrigation of a combined total of 271.0 acres in a single irrigation season.
4. Right No. 35-07920A is limited to the irrigation of 134.0 acres in the place of use described above in a single irrigation season.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 35-07857A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.68 CFS	644.0 AF

SOURCE

GROUNDWATER

Priority: 05/09/1979

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 24, Township 04S, Range 30E
BINGHAM CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	30E	23	NESE 5	SESE 7		12
		24	SWNW 5	SENW 28	NESW 30	
			SESW 33			96
		25	NENW 34	NWNW 8	SENW 34	76
Total number of acres irrigated:						184

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07857A 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 5/9/1979

5. Water is used for the following purpose:

amount 3.68 cfs for Irrigation purposes from 04/01 to 11/01
(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 3.68 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	SW	24	4S	30E	Bingham	

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	
4S	30E	23													5			7	12
		24							5	28	30			33					96
		25					34	8		24									76

Total acres 184

9. Describe any other water rights under for the same purpose as described above: _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

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 1.96 cfs for Irrigation purposes from 04/01 to 11/01
 (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
		NW	SW	24	4S	30E	Bingham	

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	
4S	30E	24									30								30
		25					34			34									68

Total acres 98

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

1. amount ^{1.72}~~1.99~~ cfs for Irrigation purposes from 04/01 to 11/01
 (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
		NW	SW	24	4S	30E	Bingham	

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	
4S	30E	23													5			7	12
		24							5	28				33					66
		25						8											8

Total acres 86

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:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07920A 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 9/29/1980

5. Water is used for the following purpose:

amount 2.93 cfs for Irrigation purposes from 04/01 to 10/31
(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 *2.93 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	SW	30	4S	31E	Bingham	

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	
4S	31E	25													22			29	51
		30							3	3	30	39	38	34		33	40		220

*Limited to 134 acres

Total acres 271

* (Some source limitation)
9. Describe any other water rights for the same purpose as described above 35-02540 - Limited to
137 acres 35-08626 - limited to 129 acres. 35-07920R limited to 47 acres and a total 6.53

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ 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 0.76 cfs for Irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: *cfs figured @ 0.0146 cfs/acres as per limitations

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	30	4S	31E	Bingham	

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	
4S	31E	25													3			7	10
	31E	30									7	7	7	7		7	7		42

Total acres 52

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

1. amount 2.17 cfs for Irrigation purposes from 04/01 to 10/31
 (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
		NW	SW	30	4S	31E	Bingham	

3. Lands irrigated or place of use:

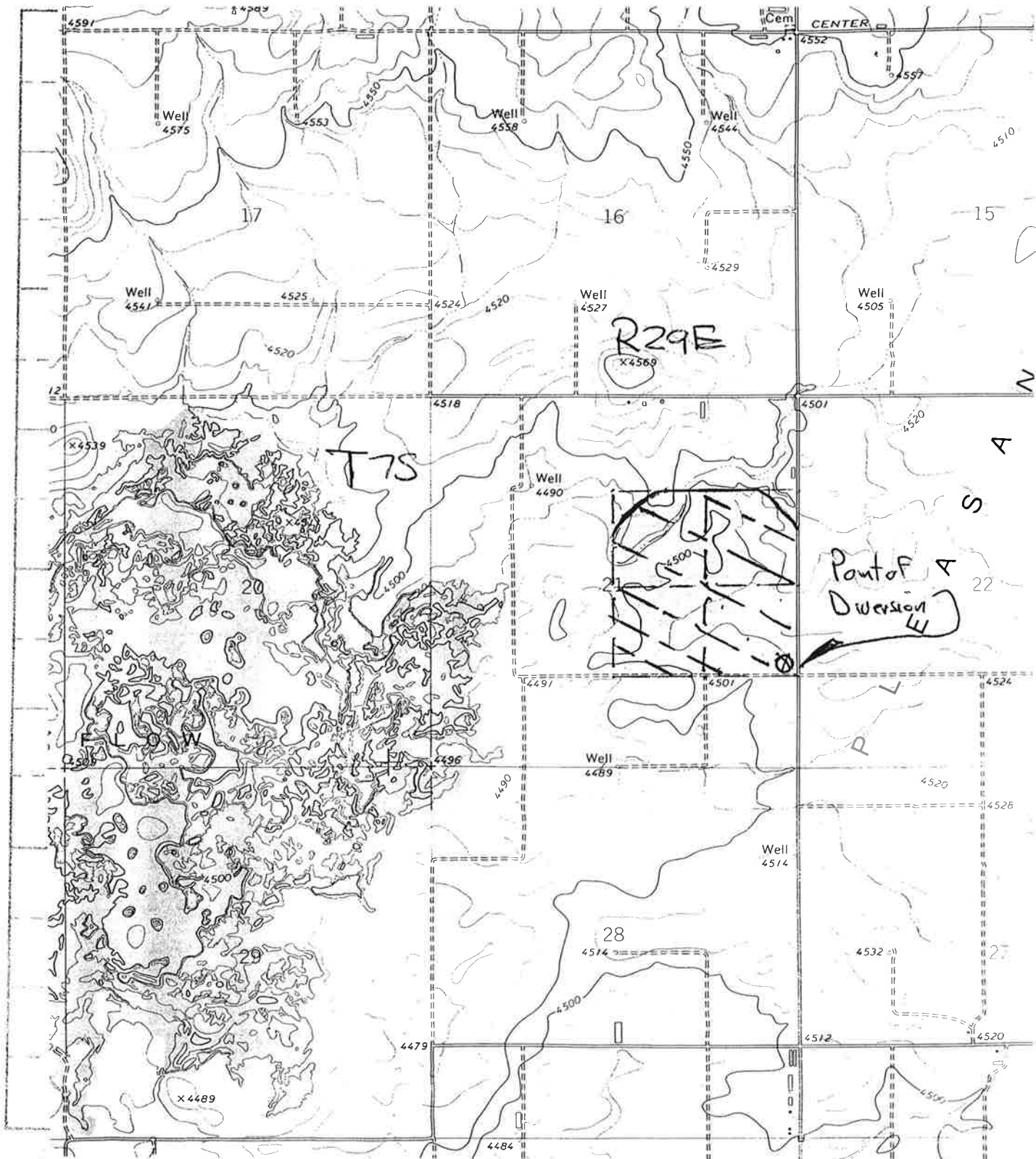
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	31E	25													19			22	41
	31E	30							3	3	23	32	31	27		26	33		178

*Limited to 82 acres

Total acres 219*

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

Paul S. Stewart
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of March, 19 97.

Larry P. Mann
(Notary Public)

My commission expires 3/14/2002 alderdeen, Id. 83210

FOR DEPARTMENT USE ONLYTransfer contains 8 pages and attachmentsReceived by HUT Date 3-25-97 Protest filed by Prelim. check by Fee \$100⁰⁰Receipted by HUT #E023054 Date 3-25-97Published in Power County Press Copies of protest forwarded by Pub. dates April 10 & 17. 1997 Hearing held by Date Watermaster recommendation requested on Recommended for ☒ approval ☐ denial rec'd. by RDCCopy of transfer sent to lien holder