

11/6/90

AD

32
42' 30"

31

R18E

R19E

LANDS
BEFORE
TRANSFER

30

32

29

T8S

T9S

28

T8

T9

MICROFILMED
SEP 21 1998

RHE

5 ACRES
TRANSFERRED

L12



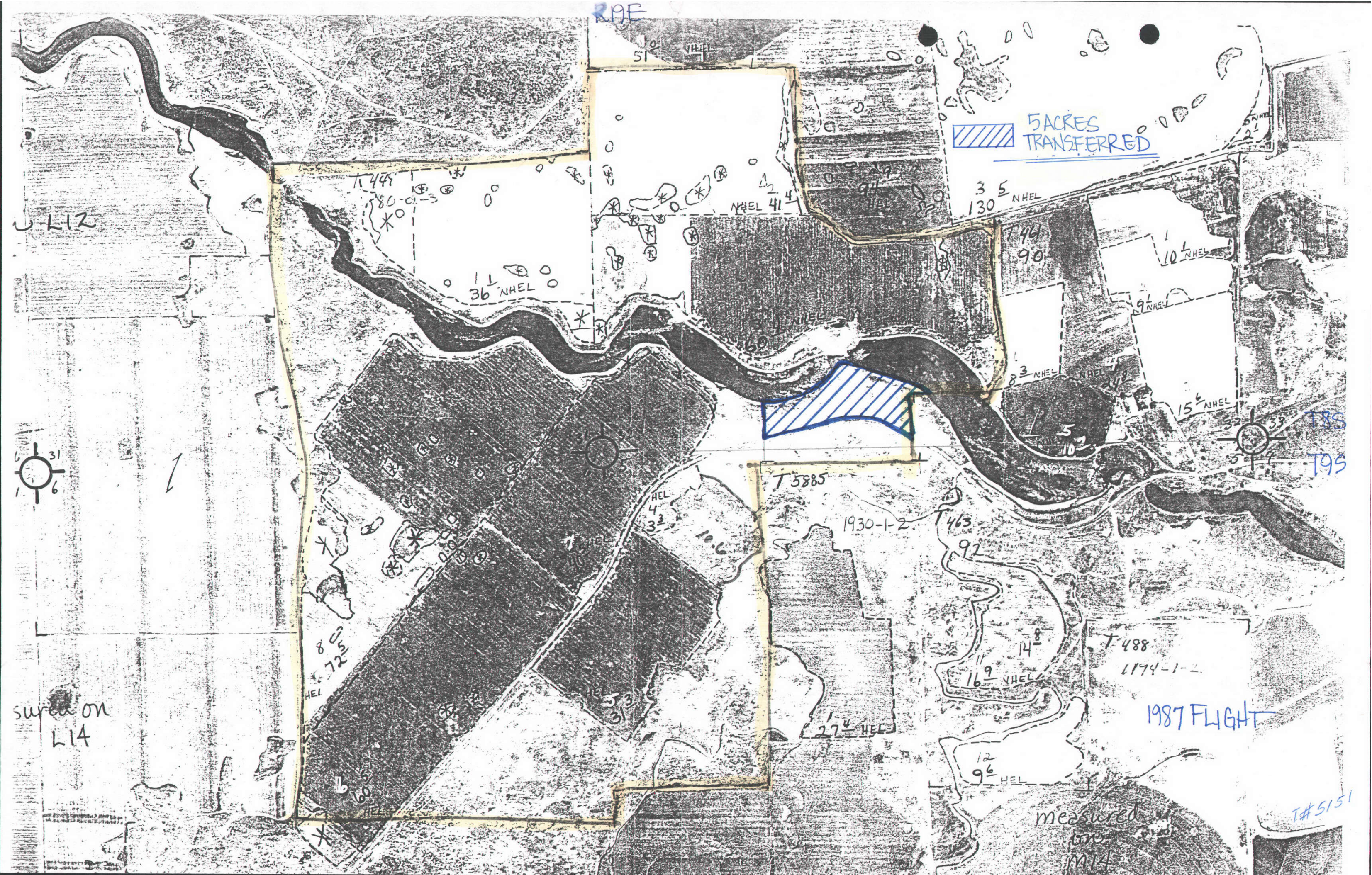
sure on
L14

T8S
T9S

1987 FLIGHT

T#5151

measured
1000
1014



3-5% Slope
-5% Slope Canal
No Sug Ads

11-21-87
MB
JK

MICROFILMED
SEP 21 1998

T#5151

Canal

D6
Road
Da

6018

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Jerome } ss.

OCT 23 1997

Department of Water Resources
Southern Region

Patty Nance

being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

15th day of October, 1997.

and the date of the last publication was on the 22nd day of

October, 1997.

Patty Nance

Subscribed and sworn to before me this 22nd day of

October, 1997.

(SEAL)

Norma De Voe

NOTARY PUBLIC

7410

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

affidavit fee 2.25

Lines tabular at _____ 7¢/Pica

550.69 Lines straight at 33.04 6¢/Pica

550.69 Subsequent lines at 27.53 5¢/Pica

TOTAL COST 62.82

COPY OF NOTICE

(Paste Here)

Water Right - Stewart
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. T# 5151

Notice is hereby given that Fred & Phyllis Stewart, Rt 4 Box 4826; JEROME ID 83338 have applied to the Department of Water Resources for a change of place of use involving the rights listed below. PRESENTLY, Licensed Water Right No. 36-02341 (2.40 cfs) with a priority date of 12/09/1957 and Licensed Water Right No. 36-08568 (0.79 cfs) with a priority date of 11/07/1990 are diverted from a well within Lot 1 (NE1/4NE1/4), S06, T09S, R19E; Jerome County for irrigation of 240 acres within parts of Sections 31 & 32, T08S, R19E; and within parts of Sections 5 & 6, T09S, R19E; Jerome County.

PROPOSED CHANGE

The applicant wishes to change the place of use for 5 acres from BLM land (NW1/4SE1/4, S06, T09S, R19E) to private property located within (SE1/4SW1/4, S32, T08S, R19E); Jerome County. A total of 2.40 cfs of water will continue to be used to irrigate 240 acres. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 3, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub: 10/15-10/22

N18322

OCT 23 1997

MICROFILMED

Department of Water Resources
Southern Region

SEP 21 1998

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27160

REPORT ON PROOF OF Completion of Works & Beneficial Use

Fred R. Stewart, P. O. Box 185, Jerome, Idaho

9/22/59

27160

215' = 1

Pole = Drill

125X110X70X538

120"

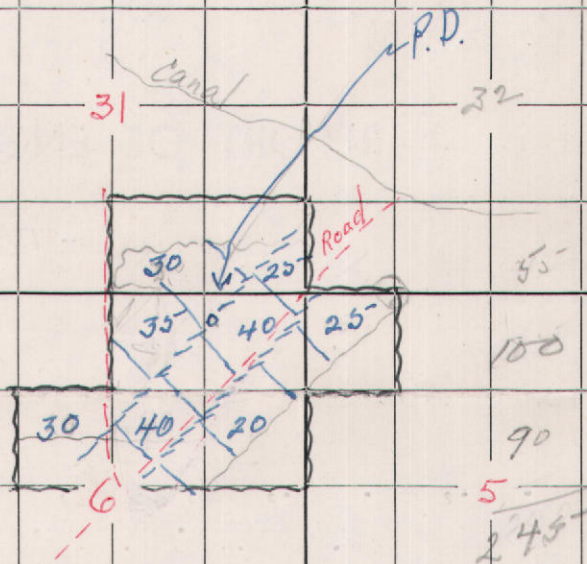
215' 762 1/2

353

R-19E.

T. 8 S.
T. 9 S.

Part A. 1/4 mi x 8"
8000' = main total



Subdivisions = 8

Area = 245 acres.

Q = 120"

2.4 cfs

North Side News 11-13-5tc
20th

NOCTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that 10 a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 185, Jerome, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 9 S., R 19 E., B.M.

5. The place where said water is used is S $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S., R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T 9 S., R 10 E. B.M. 19E.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

11-13-4tc
Nov. 20th

NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that 10[✓] a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafore issued by the Department of Reclamation of the State of Idaho.

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6. The date of priority which said user

is prepared to establish is December 9, 1957.

GEO. N. CARTER,

State Reclamation Engineer.

11-27 11-13-4tc

**NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that 10 a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafore issued by the Department of Reclamation of the State of Idaho.

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3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

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5. The place where said water is used is S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S, R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T 9 S, R 10 E., B.M.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

**NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

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5. The place where said water is used is S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S, R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T. 9 S., R. 19 E.B.M.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

11-13-4tc

12-11

AFFIDAVIT of PUBLICATION

RECEIVED
JAN 1 - 1959

State of Idaho,
County of Jerome

SS.

Department of Reclamation

W. J. MacKnight, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 4 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 13 day of Nov.,

1958, and the date of the last publication was on the 4

day of December, 1958

W. J. MacKnight

Subscribed and sworn to before me this 9

day of December, 1958.
(SEAL)

[Signature]

NOTARY PUBLIC

JEROME NORTH SIDE NEWS

COST OF PUBLICATION

Number of Lines in Notice 36

Number of Insertions 4

36 Lines at 15c 540

108 Lines at 10c 1080

TOTAL COST 16.20

COY OF NOTICE

(Paste Here)

Notice of completion of work and application of water to beneficial use

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 10 a.m. on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafter issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 185, Jerome, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

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5. The place where said water is used is S $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S., R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T. 9 S., R. 19 E.B.M.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

11-13-4c

1 pt. per line, tabular	20
7 pt. per line, successive insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertions	10c

Nº 1000

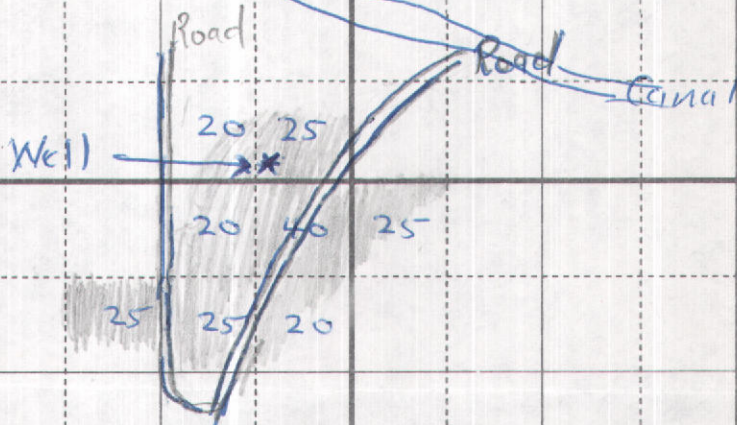
27160

NAME OF APPLICANT Fred R. Stewart

Form No. 0



T8SR19E
Sec 31



Sec 6
T9SR19E

Sec 5
T9SR19E

Permit Map No. 27160
As Approved
MARK R. KULP
State Declaration Engineer
DEC 13 1957

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho District Land Office

P. O. Box 2237

Boise, Idaho

(PLACE)

April 21, 1954

(DATE)

RECEIVED
MAY 1 1954
Department of Reclamation

NOTICE OF ALLOWANCE

Fred R. Stewart,

Route #3,

Jerome, Idaho

Sir:

Your Desert Land Entry, Serial No. Idaho 03411
(Kind of application or entry)

Receipt No. 5496, for the lot 4, sec. 5, lots 1, 2, SW 1/4

SE 1/4, SW 1/4, Section 6

Township 9 S., Range 19 E., Boise Meridian, *Jerome*

containing 244.37 acres, has this day been allowed, subject to
your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The allowance of this application is subject to an oiled road in lot 4,

sec. 5, lot 1, SE 1/4, SW 1/4 sec. 6, T. 9 S., R. 19 E., B.M., and all

existing dirt road in lot 2, SW 1/4 sec. 6, T. 9 S., R. 19 E., B.M. The

allowance is also subject to a reservation of a 200' right-of-way for

livestock along the existing dirt road.

Very respectfully,

Paul A. Shepard

Manager

cc: BLM, Shoshone, Idaho
State Rec. Engr., Boise, Idaho ✓

27160

SD-0611-2 Basin: 36 Starting Water Right: 02341

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	36-02341	STEWART, FRED R.	C	12/09/1957	L/	GROUNDWATER	IRR	WR
	X36-02341	STEWART, PHYLLIS LA	C	12/09/1957	L/	GROUNDWATER	IRR	WR
		STEWART, FRED R	C					
	36-02341	STEWART, PHYLLIS LA	C	12/09/1957	L/	GROUNDWATER	IRR	AJ
		STEWART, FRED R	C					
	A36-02341	STEWART, FRED R	C	12/09/1957	L/	GROUNDWATER	IRR	AJ
		STEWART, PHYLLIS LA	C					
	R36-02341	STEWART, PHYLLIS LA	C	12/09/1957	L/	GROUNDWATER	IRR	AJ
		STEWART, FRED R	C					

* Decreed copied to Water Right Database (GOLD7=This Query)
 (Enter=Continue) (GOLD6=Print Profile Rpt) (GOLD8=Cancel) (Menu _____)

MICROFILMED
 SEP 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5151
WATER RIGHT NO(S). 36-02341/36-08568

This is to certify that: PHYLLIS LA REY STEWART
FRED R STEWART
RT 4 BOX 4826
JEROME ID 83338

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. 36-02341 : IRRIGATION Priority: 12/09/1957	04/01 to 10/31	2.40 CFS	960.0 AF
Right No. 36-08568 : IRRIGATION Priority: 11/07/1990	04/01 to 10/31	0.79 CFS	333.8 AF
TOTAL:		3.19 CFS	* 960.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 6, Township 09S, Range 19E
JEROME 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>
08S	19E	31	SWSE 20	SESE 26		46
		32	SWSW 20	SESW 5		25
09S	19E	5	Lot 4(NWNW) 36	SWNW 10		46
		6	Lot 1(NENE) 40	Lot 2(NWNE) 31	SWNE 32	123
			SENE 20			
Total number of acres irrigated:						* 240

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above

MICROFILMED

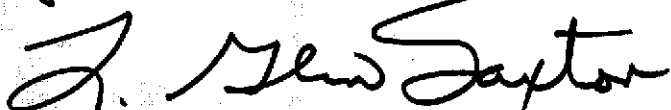
SEP 21 1998

TRANSFER NO. 5151
WATER RIGHT NO(S). 36-02341/36-08568

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 5. Rights 36-02341 and 36-08568 when combined shall not exceed a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres.
6. Right 36-08568 is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under Right 36-08568 is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of Right 36-08568 and may change, add, or remove any requirement as determined to be appropriate.

Dated this 21st day of August, 1998


Chief, Water Allocation Bureau

MICROFILMED
SEP 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5151

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

NOV 10 1997

PART 1

Department of Water Resources FRED & PHYLLIS STEWART Phone (208) 825-5104
 Post Office address RT 4 BOX 4826, JEROME, ID. 83338

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 MOVE 5 ACRES FROM BLM LAND TO PRIVATE PROPERTY

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>36-02341</u>	<u>12-09-57</u>	<u>2.40</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>36-08568</u>	<u>11-07-90</u>	<u>0.79</u>	<u>" "</u>	<u>"</u> to <u>"</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.40 cubic feet per second and/or 960 acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

This does not appear appropriate AD 11/6/97

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1	NW	NE	NE	6	09S	19E	JEROME	#1 WELL

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	
08S	19E	32											20	(5)					25
"	"	31															20	26	46
09S	19E	5							36	10									46
									LOT 4										
09S	19E	6	40	31	32	20													123
			LOT 1	LOT 2															

MICROFILMED

SEP 21 1998

Total acres 240

PART 1

6. General Information:

a. Description of diversion system 200 HP PUMP SERVES MAINLINE, HANDLINES
AND SPRINKLERS

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:

FIVE ACRES MOVED FROM NW 1/4 SEC 6, T09S, R19E
TO SEC 32, T08S, R19E SE 1/4

d. Remarks:

SEE LETTER DATED 20 AUGUST 1997 FROM BLM
REGARDING THE SAID 5 ACRES, PLUS MEMO DATED
26 AUG 97 FROM K. CHRISTENSEN

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____.

MICROFILMED

SEP 21 1998

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02341

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.40 CFS	960.0 AF

SOURCE

GROUNDWATER

Priority: 12/09/1957

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNE), Sec. 6, Township 09S, Range 19E
JEROME 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>
08S	19E	31	SWSE 20	SESE 26		46
		32	SWSW 20			20
09S	19E	5	Lot 4(NWNW) 36	SWNW 10		46
		6	Lot 1(NENE) 40	Lot 2(NWNE) 31	SWNE 32	
			SENE 20	NWSE 5		128
Total number of acres irrigated:						240

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

MICROFILMED

SEP 21 1998

T # 5151

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: SAME AS 2A.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
09S	19E	6														5			5

Total acres 5**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: SAME AS 2A.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
08S	19E	31															20	26	46
"	"	32																	20
09S	19E	5	Lot 1	Lot 2			Lot 4												46
"	"	6	40	31	32	20													123

Total acres 235
 20
 MICROFILMED
 SEP 21 1998

PART 2

TRANS NO. 5151

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 36-08568

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.79 CFS

SOURCE

GROUNDWATER

Priority: 11/07/1990

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNENE), Sec. 6, Township 09S, Range 19E
JEROME 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>
08S	19E	31	SWSE 20	SESE 26		46
		32	SWSW 20			20
09S	19E	5	Lot 4(NWNW) 36	SWNW 10		46
		6	Lot 1(NENE) 40	Lot 2(NWNE) 31	SWNE 32	
			SENE 20	NWSE 5		128
				Total number of acres irrigated:		240

CONDITIONS/REMARKS:

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
4. This right uses the same well as Right 36-02341 and when combined with Right 36-02341 shall not exceed an annual volume of 960 acre feet nor a diversion rate of 0.02 cubic feet per second per acre for the lands above.

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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: SAME AS 2A.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
09S	19E	6														5			5

Total acres 5

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: SAME AS 2A.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	
08S	19E	31															20	26	46
"	"	32											20						20
09S	19E	5	Lot 1	Lot 2															46
"	"	6	40	31	32	20													123

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 SEP 21 1988

Total acres 235

6/6/00

32
42' 30"

31

30

32

29

T8S

T9S

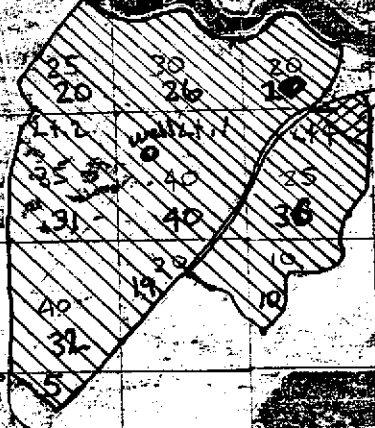
28

ROFILMED
40'
21 1998

R18E

R19E

LANDS
BEFORE
TRANSFER



00F

5 ACKES
TRANSFERRED



3 5 NHCL
130

10 1/2 NHCL

8 3 NHCL

15 1/2 NHCL

541-195

1930-1-2

73885

7488

1174-1-2

1987 FLIGHT

145151

me

112



sw on
L14

1228

NHCL

NHCL

43

106

11 NHCL
36

1745

180-0-3

NHCL 41

90

5

10

14

16 1/2 NHCL

12 1/2 NHCL

96

NHCL

12

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:

NO EFFECT ON OTHER WATER USES

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.

Subscribed and sworn to before me this 20th day of August, 19 97.

(Signature of Applicant)

(Notary Public)

My commission expires 10-11-2000

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachmentsReceived by GLS Date 20 AUG 97 Protest filed by N/APrelim. check by GLS Fee \$100.00 5020489 1401 hrs.Received by GLS Date 20 AUG 97Published in Northside News Copies of protest forwarded by _____Pub. dates 10/15 + 10/22/97 Hearing held by _____ Date _____Water-master recommendation requested on N/A Recommended for ☒ approval ☐ denialN/A rec'd. by AD

Copy of transfer sent to lien holder _____

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SEP 21 1998

TIME: 12:03:29

VALUATION SUMMARY SHEET

PAGE 1
DATE: 5/28/97

PARCEL NUMBER: RP 08S19E326018 A PROPERTY ADDRESS:

EFFECTIVE DATE: 09/10/1991
EXPIRATION DATE: 00/00/0000

TAX CODE AREA: 03800

NAME: STEWART, FRED R

LEGAL: LOT 3, 4, 5
SEC 32 T8 R19

76.18 AC

ADDRESS: 277 A SOUTH EDEN ROAD

COMMENT 1:
COMMENT 2:
OLD PARCEL #:

JEROME ID 83338

CAT	SHI	BY	QUANTITY	UN	MARKET VALUE	HO VALUE	HO EXEMPT	CB VALUE	OTHER EXEMPT
1		1995	18.400	AC	9,177				
5		1995	54.780	AC	1,315				
19		1995	3.000	AC					

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TOTALS: 76.180 10,492

DEED REFERENCES:
DATE: 00/00/0000

RELATED PARCELS:

SUB-SYSTEMS:

RL

HOMEOWNERS: NONE
ZONING:
PHOTO NUMBER:
MAP NUMBER:
INSP YEAR: 1995
SW UNITS:
SW TYPES:
PARCEL TYPE:
LOCATION CODE: 0000

RECEIVED

SEP 16 1997

Department of Water Resources
Southern Region

TAX SPECIALS:

T# 5151

3.5% Slope
2.5% Slope Canal
No Sup Hd

11-21-87

MB
JK

MICROFILMED

SEP 29 1988

7#5121

Canal

DG
Road
Da

6018

State of Idaho
License and Certificate of Water Right

Water License No. G-27160

Amount 2.4 c.f.s.

Water District No.

Priority December 9, 1957

THIS IS TO CERTIFY that FRED R. STEWART
of Jerome, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 9, 1957; that Permit No. G-27160
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on October 8, 1959, showing that said works
were completed on the 6 day of December, 1958; and that on the 6
day of December, 1958,

FRED R. STEWART

of Jerome, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-27160 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6777, on the 8 day of October, 1959;
The right hereby confirmed dates from December 9, 1957;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 6, Tp. 9 S., R. 19 E., B. M. Jerome County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S.	19 E.	31	SE 1/4 SE 1/4	25	25
			SW 1/4 SE 1/4	20	30
9 S.	19 E.	5	NW 1/4 NW 1/4	25	25
		6	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	20	35
			SW 1/4 NE 1/4	25	40
			SE 1/4 NE 1/4	20	20
			SE 1/4 NW 1/4	25	30
Total number of acres to be irrigated:					245

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
8 day of October, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-22356

Amount 2.6 c.f.s.

Water District No.

Priority September 4, 1951

THIS IS TO CERTIFY that ED GORRINGE - Assignee of LAURA ANN NIELSON
of Oakley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 4, 1951; that Permit No. G-22356
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.6 second feet, was issued thereunder on October 8, 1959, showing that said works
were completed on the 12 day of June, 1959; and that on the 12
day of June, 1959,

LAURA ANN NIELSON

of Oakley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation and do-
mestic use, under Use Permit No. G-22356 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6778, on the 8 day of October, 1959;
The right hereby confirmed dates from September 4, 1951;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 3, Tp. 12 S, R. 22 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	22 E.	2	NE 1/4 SW 1/4	40	24
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	36
			SE 1/4 SW 1/4	40	30
			Total number of acres to be irrigated:		130

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8 day of October, 1959.

/s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

36-2341

Application No. G- 35081
 Permit No. G- 27160
 District No.

Fred R. Stewart
 Rt. # 3, Box 185
 Jerome, Idaho

1. Name of Applicant: FRED R. STEWART
 Postoffice address: Rt. # 3 Jerome County: Jerome State: Idaho
2. Quantity of water claimed: Continuous flow of four c.f.s. for six months each year
 - (a) Rate of withdrawal in cubic feet per second. four or Idaho
 Miners' inches 200 or gallons per minute. 1800
 - (b) Annual withdrawal in acre feet per annum 1440
3. Source of water supply: Subterranean water. Deep well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31
 Twp. 8 S. , Rge. 19 E. , B.M., County of Jerome
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give: None
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well with a electric pump and motor
8. Estimated cost of works: \$ 12,000.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir: No
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$ 1,000.00
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources: Real Estate worth \$40,000.00
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This application for well water to irrigate 200 acres is in support of a Desert Land Entry to reclaim said land to full production.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ Fred R. Stewart
Applicant.

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. December 9, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27160

Recorded in Book 96 Page 27160 Approved December 13, 1957

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **June 13, 1960**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before December 13, 1962

Witness my hand this 13th day of December, 1957

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 13th
day of December, 1957.

STATE OF IDAHO

By /s/ JAS. H. YOUNG
Secretary of State.

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 S.	19 E.	31																45	
9 S.	19 E.	6	40	20	25	20				25						20	25	130	
9 S.	19 E.	5							25									25	
																		220	

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-27160

Comes now Fred R. Stewart and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27160. That the point of diversion is described in said permit as being located SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 8 S., Rge 19 E., BM. That he now requests that the point of diversion be changed to a point located NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, Twp. 9 S., Rge 19 E. BM. That the reason for desiring to make such change is as follows: better location for well site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

/s/ Fred R. Stewart

Date of receipt at Department of Reclamation			
August 27, 1958			

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. C-27160. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: August 27, 1958

Permit No. G-27160

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that FRED R. STEWART of Jerome, County of Jerome, and State of Idaho, the holder of Permit No. G-27160, issued upon Application No. G-35081 bearing date of priority of December 9, 1957, authorizing the diversion of 4.0 second feet of the waters of a well County of Jerome, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.4 second feet of the waters of a well; that the point of diversion of said waters NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 6, T. 9 S., R. 19 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

245 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 31, T. 8 S., R. 19 E.; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5; NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 9 S., R. 19 E., B.M.

Witness my hand this 8 day of October, A.D. 1959

/s/ GEO. N. CARTER
State Reclamation Engineer

Proof of Completion of Works Made: December 6, 1958

Certificate of Completion of Works Issued: October 8, 1959

LICENSE ISSUED FOR 2.4 SEC. FT.
Page 6777



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PHYLLIS LA REY STEWART
FRED R STEWART
RT 4 BOX 4826
JEROME ID 83338

RE: Water Rights 36-02341/3608568 (Transfer 5151)

Dear Mr. & Mrs. Stewart:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5151). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

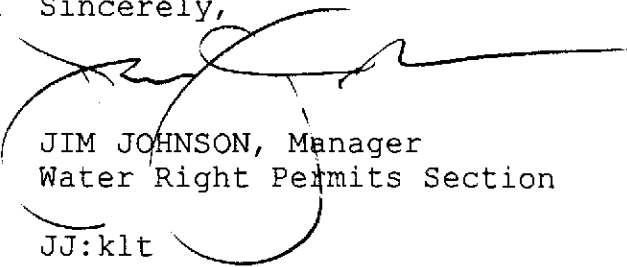
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

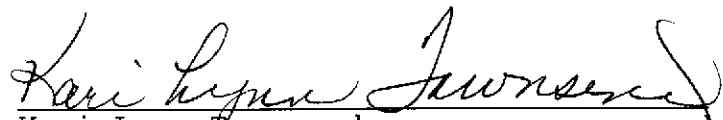
SEP 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of August, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 36-02341/36-08568 (Transfer 5151)

PHYLLIS LA REY STEWART
FRED R STEWART
RT 4 BOX 4826
JEROME ID 83338


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 21 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

SEP 21 1998

MEMORANDUM

TO: Files 36-02341 & 36-08568

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5151

DATE: August 18, 1998

Transfer 5151 changes the place of use under Rights 36-02341 & 36-08568. The transfer moves 5 irrigated acres from BLM land to land owned by the applicant and is the result of an SRBA objection conference. BLM has provided a letter agreeing with the proposed change.

Recommended conditions include trust water conditions for Right 36-08568, measuring & annual reporting, irrigation overlap, combined right limits, and standard transfer conditions.

MICROFILMED

SEP 21 1998

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5151

Date Reviewed 8-18-98 38

Right(s) 36-02341 - SRBA Recommendations _____
36-08568 - License _____

☒ WRQ/Split Summary ☒ SRBA Status ☒ Run POU Comparison Report

B:Change P/D C:Add P/D ☒ D:Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership BLM letter agreeing w/xfer to Stewart's land.
SRBA Claim & License

Transfer ☒ All of Right _____ Portion of Right
 Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. C/4.0

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) _____ Volume

(6) ☒ Source (7) ☒ P/D (8) _____ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Basin 36 Water District (12) Yes Trust Conditions Pertinent Conditions (13) No Expansion

(5) Standard Vol = $4 \times 240 = 960 \text{ afa}$ $.79 \text{ cfs} \times 213 \times 1.9835 = 333.8 \text{ afa} = \text{Vol}$

(8) Change P/U 5 acres relocated

Add 5 Acres SESW, S32, T08S, R19E } Move 5 acres off BLM property.
 Delete 5 Acres NWSE, S6, T09S, R19E }

Transfer Remarks W35 Combined Rts/960 afa + 240 Acres

Conditions 067, R64, T07, T08, T09, R55, R56, R57

already recommended Trust conditions on 36-08568

Database/Processing Notes Standard Non-Standard ☒
 Copy T36-02341 to an 'X' prefix (Comment to base ft.) Copy T36-08568
 to -36-08568 (Delete original) Edit T36-02341 remarks when approved
 "T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

28 8-21-98

WR0749NP
No. T36-02341

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/18/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHYLLIS LA REY STEWART	12/09/1957	IRRIGATION	04/01 10/31	2.400 CFS	960.00 AFA
C	FRED R STEWART RT 4 BOX 4826 JEROME ID 83338 (208) 825-5104			TOTAL DIVERSION:	2.400 CFS	960.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T09S R19E S06 Lot 01(NENE)

JEROME County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08S	19E	31	:															20	26	46.0
08S	19E	32	:									20	05							25.0
09S	19E	5	:					04-36	10											46.0
09S	19E	6	:	01-40	02-31	32	20													123.0
TOTAL ACRES																			240.0	

Pou County: JEROME

Conditions of Approval:

- 067 - The right holder shall measure and annually report diversions of
- water and/or other pertinent hydrologic and system information as
- required by Section 42-701, Idaho Code.
- R64 - This right when combined with all other rights shall provide no
- more than 0.02 cfs per acre nor more than 4.0 afa per acre at the
- field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

Remarks: GEN Rights 36-02341 and 36-08568 when combined shall not exceed a total annual maximum diversion volume of 960.0 af at the field headgate, and the irrigation of 240.0 acres.

Right 36-08568 is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest. Diversion and use of water under Right 36-08568 is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

The Director retains jurisdiction of Right 36-08568 and may change, add, or remove any requirement as determined to be appropriate.

Delete when approved 8-21-98 CB

WR0749NP
No. T36-02341

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/18/98
PAGE: 2

=====
Dates: App. Received: 08/20/1997 Priority Date: 12/09/1957
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 08/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5151
Transfer 5151 changes the place of use under Rights 36-02341 &
36-08568. The transfer is based on Right 36-02341 as recommended
in the SRBA & Right 36-08568 as licensed.

Audit: 10/03/97 MBALDWIN 02/08/98 CLEARFLD 08/18/98 PSKAGGS

WR0749NP
No. T36-08568

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/18/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED R STEWART	11/07/1990	IRRIGATION	04/01 10/31	0.790 CFS	333.80 AFA
C	PHYLLIS LA REY STEWART					
	RT 4 BOX 4826			TOTAL DIVERSION:	0.790 CFS	333.80 AFA
	JEROME ID 83338					
	(208) 825-5104					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 3.190 CFS

Point(s) of Diversion: T09S R19E S06 Lot 01(NENE)

JEROME County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08S	19E	31	:															20	26	46.0
08S	19E	32	:									20	05							25.0
09S	19E	5	:					04-36	10											46.0
09S	19E	6	:	01-40	02-31	32	20													123.0
																			TOTAL ACRES	240.0

Pou County: JEROME

Conditions of Approval:

- R55 - This right is for the use of trust water and is subject to review
 - 20 years after the issuance of the permit to determine
 - availability of water and to re-evaluate the public interest.
- R56 - Diversion and use of water under this right is subject to an
 - annual use fee if rules are subsequently promulgated which
 - provide for the submittal of the fee.
- R57 - The Director retains jurisdiction of the right and may change,
 - add, or remove any requirement as determined to be appropriate.
- 067 - The right holder shall measure and annually report diversions of
 - water and/or other pertinent hydrologic and system information as
 - required by Section 42-701, Idaho Code.
- R64 - This right when combined with all other rights shall provide no
 - more than 0.02 cfs per acre nor more than 4.0 afa per acre at the
 - field headgate for irrigation of the lands above.
- T07 - The right holder shall accomplish the change authorized by this
 - transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
 - transfer is cause for the Director to rescind approval of the
 - transfer.

Remarks: GEN Rights 36-02341 and 36-08568 when combined shall not exceed a total annual maximum diversion volume of 960.0 af at the field

WR0749NP
No. T36-08568

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/18/98
PAGE: 2

Remarks: headgate, and the irrigation of 240.0 acres.

Dates: App. Received: 08/20/1997 Priority Date: 11/07/1990
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 07/29/1994

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 03/12/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 08/18/1998 User-ID: PSKAGGS Subject: TRANSFER 5151
Transfer 5151 changes the place of use under Rights 36-02341 &
36-08568. The transfer is based on Right 36-02341 as recommended
in the SRBA & Right 36-08568 as licensed.

Audit: 10/03/97 MBALDWIN 02/08/98 CLEARFLD 08/18/98 PSKAGGS 08/18/98 PSKAGGS

[illegible]

T09S R19E S 6 Original location										- 5 Acres	
0100005	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
0100016	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
0100212	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
A010021224	LARGE CLAI :	:	38	20	21	:	12	:	:	40	131
0100213	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
0100215	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
0100220	SNAKE RIVE :	:	:	:	:	:	:	:	:	:	:
3602341	GROUNDWATE :	40	35	40	20	:	30	:	:	:	165
*3602341	GROUNDWATE :	01-40	02-31	32	20	:	:	:	:	5	128
A3602341	GROUNDWATE :	40	35	40	20	:	:	:	:	5	135
R3602341	GROUNDWATE :	01-40	02-31	32	20	:	:	:	:	5	128
T3602341	GROUNDWATE :	01-40	02-31	32	20	:	:	:	:	5	123
3608568	GROUNDWATE :	01-40	02-31	32	20	:	:	:	:	5	128
T3608568	GROUNDWATE :	01-40	02-31	32	20	:	:	:	:	5	123
A3610860	GROUNDWATE :	01-40	02-35	40	20	:	:	:	:	5	135

WR0725NP
(OD-725)

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 08/18/98
PAGE: 2

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

```
=====
WR-NUMBER  SOURCE      NE      NW      SW      SE      NE      NW      SW      SE      NE      NW      SW      SE      NE      NW      SW      SE      SUM
                   Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac
-----
--B6 MAP-- C53Q-BB 24 :           38      38 :           41 :      23           13 :      31      22      39      39 : 284
NO QTRS   MAPPING   Lot01-39 Lot02-43 Lot03-39 Lot04-21 Lot05-20 Lot05-20 Lot07-12
=====
```

SPLIT RIGHT SUMMARY
08-18-98
TRANSFER 5151

D-0611-2 Basin: 36 Starting Water Right: 02341

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Source	Desc
-	36-02341	STEWART, FRED R.	C	12/09/1957	L/	GROUNDWATER	IRR
-	T36-02341	STEWART, FRED	C	12/09/1957	L/	GROUNDWATER	IRR
-		STEWART, PHYLLIS	C				
-	36-02341	STEWART, PHYLLIS LA	C	12/09/1957	L/	GROUNDWATER	IRR
-		STEWART, FRED R	C				
-	A36-02341	STEWART, FRED R	C	12/09/1957	L/	GROUNDWATER	IRR
-		STEWART, PHYLLIS LA	C				
-	R36-02341	STEWART, PHYLLIS LA	C	12/09/1957	L/	GROUNDWATER	IRR
-		STEWART, FRED R	C				

SD-0611-2 Basin: 36 Starting Water Right: 08568

S	Water	Name	O	Priority	STG/	Use	S
L	Right No.	Last, First	N	Date	STS	Source	Desc
-	36-08568	STEWART, FRED R	C	11/07/1990	L/	GROUNDWATER	IRR
-		STEWART, PHYLLIS LA	C				
-	T36-08568	STEWART, FRED	C	11/07/1990	L/	GROUNDWATER	IRR
-		STEWART, PHYLLIS	C				

SRBA

SUBCASE SUMMARY REPORT 36-02341

[Return to SRBA Home Page](#)

SRBA
08-18-1998

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02341 FILE#: 00342
CLAIMANT: STEWART, FRED R
STATUS: AT ISSUE
WATER SOURCE: GROUNDWATER,
ISSUES: QUANTITY OF WATER USED
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
CONSUMPTIVE USE

**** PARTIES INVOLVED ****

FRED R STEWART

PRO SE

**** ROA ENTRIES ****

04-30-1993	OBJECTION (OBJ 1) FILED BY BLM	RF	09-01-1993 0001
08-16-1993	RESPONSE TO OBJ #1 FILED BY IDWR		0001
11-04-1993	ORDER OF REFERENCE APPOINTING TERRENCE DOLAN SPECIAL MASTER IN REPORTING AREA 3 (B-36)		
03-24-1994	NOTICE SETTING SCHEDULING CONFERENCE	SV	05-24-1994 0930
04-19-1994	ORDER STAYING PROCEEDINGS IN SUBCASES IN R.A. 1,2 &3 AND STAYING THE OBJECTION AND PERIOD AS TO THE DIR RPT OF THE U.S. & TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT FOR THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT AND STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE 39576 (DL13)	OT	
04-27-1994	AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES IN REPORTING AREAS 1, 2 AND 3 & STAYING THE OBJECTION PERIOD OF THE DIR'S RPT OF THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS & STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE NO, 39576 (DL19)		
12-07-1994	ORDER LIFTING STAY IN REPORTING AREAS 1, 2 AND 3; AND TWIN FALLS COUNTY CASE NO. 39576, AND CONTINUING STAY OF DIRECTOR'S REPORTS ABSTRACTING FEDERAL RESERVED WATER RIGHTS (DL43)	OL	
12-22-1994	42-1416/1416A CLAIM PER IDWR RPT OF 2/16/94 SUBCASE STAYED-12/22 ORDER RE MOT FOR STAY	OT	12-22-1994
06-24-1997	PROCEEDING FORWARD NO STAY		
07-02-1997	ORDER SETTING SCHEDULING CONFERENCE	SS	07-18-1997 1045
07-18-1997	HEARING HELD-SCHEDULING CONFERENCE	SH	07-18-1997 1045
07-18-1997	MINUTES FILED-SCHEDULING CONFERENCE		
07-25-1997	ORDER SETTING SETTLEMENT CONFERENCE	LV	08-20-1997 1000
08-20-1997	STIPULATION TO RESOLVE OBJECTION AND DISMISS UNITED STATES AS A PARTY		

08-21-1997	ORDER GRANTING MTN TO DISMISS U.S. AS PARTY	08-21-1997 0001
08-21-1997	AND ORDER STAYING SUBCASE	OT 08-21-1997
09-09-1997	PROCEEDING FORWARD/LIFT STAY/TYPE 1 CLAIMS	
10-03-1997	RECOMMENDATION ORDERED	

[Return to SRBA Home Page](#)

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Fred & Phyllis Stewart TRANSFER NO. 5151
1. Right number(s) 36-02341 -08568

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: _____

RECEIVED

NOV 10 1997

Department of Water Resources

Recd from
Jerome Cnty.
16 Sept 97

See "Memo To File"

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

j. ☒ 36-07698 (different source)
 SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. _____ Comment letters _____ Yes _____ No
 If yes _____ Water District # _____
 Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY _____ DATE _____
 SRBA SUPERVISOR REVIEW BY _____ DATE _____
 PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT

☒ Yes @ 10:04 am 10/6/97

2. COMMENT LETTERS

Watermaster recommendation requested on N/A, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes _____ No

4. Affidavit of publication received? ☒ Yes _____ No

5. Protests received? _____ Yes ☒ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: _____

4. By AO

Date 11/6/97

FROM: Allen Merritt *Am*

DATE: November 6, 1997

TO: Transfer File No. 5151
Water Right(s): 36-02341
36-08568

In the Name of: Fred & Phyllis Stewart

SUBJECT: Review and Recommendation

This transfer was precipitated as a result of objections filed in the SRBA since the recommendations for these rights included use on 5 acres of BLM land. To resolve the objections this transfer was applied for to remove the irrigation from BLM and move it to other lands of the applicant.

The transfer was processed without protest.

On final review it appears that the total of the rights listed on page 1 of the transfer should be 3.19 cfs instead of the 2.40 cfs (They should have been added up.)

RECOMMENDATION

I recommend the tranfer be approved subject to the following conditions:

- Subject to SRBA.
- Measure and report use of well as required.
- When rights combined shall not exceed 3.19 cfs nor 960 afa for irrigation of 240 acres.

MICROFILMED
SEP 21 1998

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Jerome } ss.

OCT 23 1997

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

15th day of October, 1997.

and the date of the last publication was on the 22nd day of

October, 1997.

Patty Nance

Subscribed and sworn to before me this 22nd day of October, 1997.

(SEAL)

Norma Dee Voe
NOTARY PUBLIC

7410
NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

affidavit fee 2.25

Lines tabular at _____ 7¢/Pica

550.69 Lines straight at 33.04 6¢/Pica

550.69 Subsequent lines at 27.53 5¢/Pica

TOTAL COST 62.82

COPY OF NOTICE

(Paste Here)

Water Right - Stewart
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. T7 5151

Notice is hereby given that Fred & Phyllis Stewart, Rt 4 Box 4826; JEROME ID 83338 have applied to the Department of Water Resources for a change of place of use involving the rights listed below. PRESENTLY, Licensed Water Right No. 36-02341 (2.40 cfs) with a priority date of 12/09/1957 and Licensed Water Right No. 36-08568 (0.79 cfs) with a priority date of 11/07/1990 are diverted from a well within Lot 1 (NE1/4NE1/4), S06, T09S, R19E; Jerome County for irrigation of 240 acres within parts of Sections 31 & 32, T08S, R19E; and within parts of Sections 5 & 6, T09S, R19E; Jerome County.

PROPOSED CHANGE

The applicant wishes to change the place of use for 5 acres from BLM land (NW1/4SE1/4, S06, T09S, R19E) to private property located within (SE1/4SW1/4, S32, T08S, R19E); Jerome County. A total of 2.40 cfs of water will continue to be used to irrigate 240 acres. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 3, 1997 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub: 10/15-10/22

N18322

OCT 23 1997

MICROFILMED Department of Water Resources
Southern Region

SEP 21 1998

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

No. T# 5151

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Karl J. Dreher, Director

Published in the North Side News on
10/15 & 10/22/97.

MICROFILMED

SEP 21 1998



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

October 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN **North Side News**
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

SEP 21 1998

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. T# 5151

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Karl J. Dreher, Director

Published in the North Side News on 10/15 & 10/22/97.

MICROFILMED

SEP 21 1998



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

October 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FRED STEWART &
PHYLLIS STEWART
RT 4 BOX 4826
JEROME ID 83338

Re: Application for Transfer No. 5151 (36-02341, 36-08568)

Dear Applicants:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in The North Side News for 10/15 and 10/22/97.

The advertisement(s) will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Georgia Satterlee
Water Resource Agent

GS:mb

MICROFILMED

SEP 21 1998

M E M O T O F I L E

FROM: Georgia Satterlee
DATE: 13 September 1997
RE: Transfer Per 36-02341,-08568

The application for transfer proposes to move five acres of irrigated land from public property (BLM) to private property owned by the applicant.

See the communication document dated 26 August 1997 from Kelly Christensen per settlement conference between Fred and Phyllis Stewart and the Bureau of Land Management. Also, included in the file is the letter from BLM, dated 20 August 1997, regarding the settlement between the Stewart's and BLM.

The proposed place of use is five acres within Sec 32, T08S, R19E, SE $\frac{1}{4}$ SW $\frac{1}{4}$. The ASCS (1987 flight) map submitted by Mr. Stewart shows approximately ten acres delineated. The licensed right 36-07698 shows eight acres irrigated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 32, T08S, R19E. The proposed transfer does not appear as an expansion because the Stewarts' own the land (approximately 16 acres) south of the canal in that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 32, T08S, R19E.

MICROFILMED

SEP 21 1998

T # 5151

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
FRED STEWART

DATE: August 26, 1997 10:38 am

SUBJECT: SETTLEMENT CONFERENCE FOR 36-02341
phone () walk-in(X)

A settlement conference was held on Aug 20, 1997 at the SRBA court with Mr Stewart, 2 representatives for the BLM present and Charlie Honsinger and myself representing the department.

The objection for the trespass on the 5 BLM owned acres was reached when agreed to the transfer of the water from those 5 acres to other acres owned by Mr Stewart.

Water right 36-08568 was also included in the transfer agreement. Upon the conclusion of the settlement conference, Mr Stewart returned to IDWR to file a transfer. Georgia Satterlee assisted Mr Stewart in the paperwork.

Therefore this claim will eventually be modified by an NCAP submitted to the court assuming that the transfer becomes approved through the administrative process.

COPY

MICROFILMED

SEP 21 1998

T #5151



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:

7250 (SRWR) (931)

August 20, 1997

Allen Merritt, Regional Manager
Southern Regional Office
Idaho Department of Water Resources
State of Idaho
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

**RE: Snake River Basin Adjudication (SRBA) Claim: 36-02341 and
Water License 36-08568.
Fred & Phyllis Stewart Transfer.**

Dear Mr. Merritt:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Fred & Phyllis Stewart wishes to transfer water under rights 36-02341 and 36-08568 from the federal public property to land which the Stewarts own as private property. The federal public property legal descriptions are as follows:

T09S R19E S06 NWSE 5.0 acres

5.0 acres TOTAL to be transferred off of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer.

Stewart Transfer

MICROFILMED

SEP 25 1997

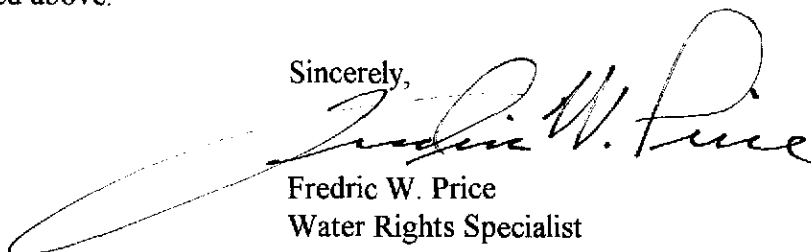


REDISCOVER YOUR PUBLIC LANDS

T # 5151

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,



Fredric W. Price
Water Rights Specialist

cc:

Fred & Phyllis Stewart; Rt. 4 Box 4826; Jerome, Idaho 83338

R. Lee Leininger, Dept. of Justice, ENRD

CACI, Boise

Stewart Transfer

REDISCOVER YOUR PUBLIC LANDS

MICROFILMED

SEP 21 1989



T # 5151

SUBSCRIBED and SWORN to before me this 20th day of August, 1997.

STATE OF IDAHO)
) ss:
COUNTY OF ~~ADA~~ Twin Falls)

On this 20th day of August, 1997, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Seal

Theresa K. Arance

Notary public in and for the
State of Idaho,
County of Minidoka
Residing at Twin Falls
My commission expires: 6-26-2002

Stewart Transfer

REDISCOVER YOUR PUBLIC LANDS

MICROFILMED

SEP 24 1997



T#5151

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27160

REPORT ON PROOF OF Completion of Works & Beneficial Use

Fred R. Stewart, P. O. Box 185, Jerome, Idaho

0.22.29

27160

215' = L

Cole = Drill

125' x 110' x 70' x 33'

= 120"

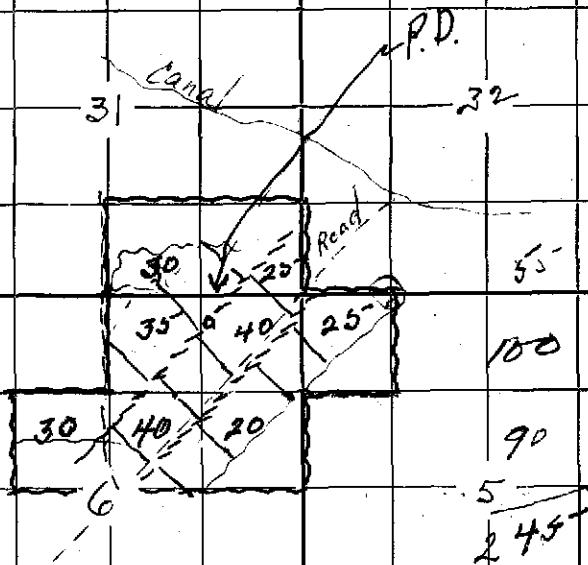
215'
138'
353'

x 62 1/2'

R-19 E.

T. 8 S.
T. 9 S.

Part 51
800' = main total



TC JEROME
STATE HWY. No. 25

Subdivisions = 8

Area = 245 acres.

Q = 120"

2.4 Cfs

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-27160

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Fred R. Stewart
2. Source of water supply: Subterranean flow from a deep well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6
T. 9 S R. 19 E., B.M. County of Jerome
4. Describe works as they exist, giving dimensions and capacities of same: 20" x 250' $\frac{1}{2}$
125 hp. U.S. Motor: # 1148076
Layne Bowler Turbine 83850 P. 6" x 8" mains.
8-1000' laterals size 3" $\frac{1}{4}$ " rings, nozzles.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes.
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SE $\frac{1}{4}$ Sec. 31., Twp. 8 S., NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Sec. 6., Twp. 9 S., NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 5.,
Twp. 9 S., all in Rge. 19 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Mr. Stewart along.

Q = by calculation.

Crops are hay, grain, pasture, row crops.

This examination was made on the 11 day of Aug., 1959
(Signed) E. H. Humphrey Examiner

27160

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 22 1959

Department of Reclamation

Valley Station
Edon

Fred R. Stewart
P. O. Box 185
Jerome, Idaho
Permit No. 0-27160

Examination for Completion of Works & Beneficial Use

County Jerome

6-95-19E.

Qz 4.0 c.f.s.

Sz Well

P.D. = NE. NE. Sec. 6, T.9 S. - R. 19 E.

Use = Irrigation

Filed = Dec. 9, 1957

Due = Dec. 13, 1962

no other right

250' x 20"

8-1000' x 3" laterals
1 1/4" singles

125 hp. U.S. motor

1148076

Layne L Turb

83850P

GE & Lumbull
Controls on Post to W.

4 feet

Cone base 8' x 10'

Hel to E thru 8"

6" mains N. & S. 8"

125 yds between poles

September 22, 1959

Re: Permit No. G-27160

Mr. Fred R. Stewart
P. O. Box 185
Jerome, Idaho

Dear Mr. Stewart:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-27160, shows the well is capable of conveying 120 miner's inches (2½ c.f.s.) of water for the irrigation of 245 acres.

Upon receipt of the statutory fees totaling \$21.00, we will issue the Certificate of Completion of Works (fee \$5.00) and the License and Certificate of Water Right (fee \$16.00 - based at the rate of \$2.00 for each 40-acre subdivision) confirming the right, with priority of December 9, 1957 to the use of 2½ second feet of subterranean water, with the point of diversion in the NE¼, Sec. 6, T. 9 S., R. 19 E., for the irrigation of 245 acres in the S½SE¼, Sec. 31, T. 8 S.; NW¼NW¼, Sec. 5; NE¼, SE¼NW¼, Sec. 6, T. 9 S., R. 19 E., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew

27160

October 8, 1959

Re: Permit No. G-27160

Mr. Fred A. Stewart
P. O. Box 185
Jerome, Idaho

Dear Mr. Stewart:

Enclosed are Certificate of Completion of Works and
License and Certificate of Water Right issued on Permit No.
G-27160.

We also enclose departmental receipt No. G-4347 in
the amount of \$21.00, covering fees.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew

27160 RT

January 7, 1959

RE: Permit No. G-27160

Mr. Fred R. Stewart
P. O. Box 185
Jerome, Idaho

Dear Mr. Stewart:

This acknowledges receipt of the depositions of Holder and two witnesses, and the affidavit of publication in the Jerome North Side News, in proof of completion of works and beneficial use under Permit No. G-27160.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR
Enc.

P. S. We are enclosing the statement of cost of publication which you will need for your file.

27160

December 23, 1958

Re: Permit No. G-27160
Fred R. Stewart

North Side News
Jerome, Idaho

Gentlemen:

Under date of December 11, 1958, this department wrote a letter to Mr. Fred R. Stewart, requesting an Affidavit of Publication from your paper in regard to the publication of his Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-27160. This Notice for Publication was sent to your paper under date of November 10, 1958, to be published once a week for four consecutive weeks prior to December 6, 1958.

To date we have not received the Affidavit of Publication from Mr. Stewart, therefore will request that you kindly furnish us with the necessary affidavit so that we may complete this file.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
cc: Fred R. Stewart
Box 185
Jerome, Idaho

27160

**NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that 10 a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 185, Jerome, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 9 S., R 19 E., B.M.

5. The place where said water is used is S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S., R 19 E., NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T 9 S., R 10 E. B.M. 19E

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

11-13-4tc

**NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that 10 a.m., on 5th day of December, 1958, at Burley, County of Cassia, State of Idaho, before John Howells, Notary Public, at Wintroath, Idaho Equipment Company, proof will be submitted of the completion of works for diversion of 4 cubic feet per second of groundwater from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafter issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is R. Stewart, Box 185, Jerome, Idaho.

Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the beneficial use is 4 cubic feet per second.

The use to which said water has been put is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

The point of diversion of said water is E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 9 S., R 19 E., M.

The place where said water is used is SE $\frac{1}{4}$ Sec. 31, T. 8 S., R 19E., NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ T. 9 S., R 19E., M.

The date when proof is submitted is December 9, 1958.

GEO. N. CARTER,
State Reclamation Engineer.

**NOTICE OF PROOF OF COMPLETION
OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that 10 a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafter issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 185, Jerome, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 9 S., R 19 E., B.M.

5. The place where said water is used is S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S, R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T 9 S, R 10 E., B.M.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

ON

**OF WORKS and
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that 10 a.m., on the 6th day of December, 1958, at Burley, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 hereafter issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 165, Jerome, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T 9 S., R 19 E., B.M.

5. The place where said water is used is S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8 S, R 19E, NE $\frac{1}{4}$ and (SE $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, all in T. 9 S., R. 19 E.B.M.

6. The date of priority which said user is prepared to establish is December 9, 1957.

GEO. N. CARTER,
State Reclamation Engineer.

AFFIDAVIT of PUBLICATION

State of Idaho,
County of Jerome

JAN 1 - 1959
SS. Department of Reclamation

W. J. MacKnight being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 4 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 13 day of Nov. 1958 and the date of the last publication was on the 4 day of December, 1958

W. J. MacKnight

Subscribed and sworn to before me this 9

day of December, 1958.
(SEAL)

[Signature]

NOTARY PUBLIC

JEROME NORTH SIDE NEWS COST OF PUBLICATION

Number of Lines in Notice 36
Number of Insertions 4
36 Lines at 15c 540
108 Lines at 10c 1080
TOTAL COST 1620

COY OF NOTICE

(Paste Here)

Notice of completion of works application of water for beneficial use.

THE NOTICE

DEFENDANT

PLAINTIFF

Dept of Reclamation

the 6th day of December, 1958, at Boise, County of Cassia, State of Idaho, before Ardean Howells, Notary Public, at Wintroath Pump Equipment Company, proof will be submitted of the completion of works for the diversion of 4 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 27160 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Fred R. Stewart, Box 165, Jerome, Idaho.

2. Said works of diversion will be completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 4 cubic feet per second.

4. The point of diversion of said water is NE 1/4 NE 1/4 of Section 6, T 9 S., R 19 E., B.M.

5. The place where said water is used is S 1/4 SE 1/4 Sec. 31, T. 8 S., R 19E, NE 1/4 and (SE 1/4 NW 1/4) Sec. 6, NW 1/4 NW 1/4 Sec. 5, all in T. 9 S., R. 19 E.B.M.

6. The date of priority which said user is prepared to establish is December 8, 1957.

GEO. N. CARRER,
State Reclamation Engineer.

11-13-4tc

per line, tabular	20
7 pt. per line, successive insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive insertions	10c

Nº 1000

27160

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 1 1958
Department of Reclamation

Permit No. 6 27160

Proof of Application of Water to Beneficial Use

Deposition of Holder and Completion of Works

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Name - Fred R. Stewart, Age - Residing at Jerome, Idaho,

Occupation - Farmer, Postoffice address - P.O. Box 185

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. G-27160 - Dec. 13, 1957 ~~Mailed Nov. 8, 1958~~ Date of priority is December 9, 1957.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Underground source from well, point of diversion is S 1/2 Sec. 31, T. 8S, R. 19E, E 1/2 NE 1/4 and SE 1/4 NW 1/4 Sec. 6, T. 9S, R. 19E of Sec. 6, T. 9S, R. 19E.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Drilled deep well with electric pump and motor and sprinkler equipment.

4' of water all under portable irrigation equipment. Well depth - 235', depth of casing - 8', size of casing - 18", 215' to water, 3' pump discharge determined by use of orifice, 220 nozzles size 3/16 at 45 pounds operating pressure. Pump will produce 1800 GPM or 4' open discharge.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Purpose - Irrigation of following: 60 acres in S 1/2 Sec. 31, T. 8S, R. 19E; 160 Acres in NE 1/4 and SE 1/4 NW 1/4 Sec. 6, T. 9S, R. 19E; and 20 acres in NW 1/4 NW 1/4 Sec. 5 T. 9S, R. 19E. Improvements consist of clearing, cultivating and cropping 240 acres of land.

27160

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 3 feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Cropping season of 1958 in the amount of 4' to irrigate 250 Acres of land.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign) *Ed M. Stunt*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Burley, County of Cassia,

State of Idaho, on this sixth day of December, A. D. 19 58

Andean Howell

My commission expires February 15, 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 1 1958
Department of Reclamation

Permit No. 6-27160

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. George R. Greer, Age - 43, Residence - 828 Mountain View Drive
Twin Falls, Idaho - Occupation - Salesman for Wintroath Pumps.

Ques. 2. Are you acquainted with Fred R. Stewart, the
holder of Permit No. G-27160? How long have you known him and where does
he reside?

Ans. Yes, I have known him for about 10 years and he resides at Hunt, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-27160, and are you
familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Underground source from well, place of diversion is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 6,
T. 9S, R. 19 EBM, drilled deep well and is conveyed from point of diversion to
place of use by electric motor and pump and portable irrigation equipment.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 4' and I have seen 3' so conveyed through sprinkler

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. 1800 GPM and I measured it was measured through an orifice with a venturi.

27160

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Purpose - Irrigation of following: 60 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, T. 8S. R 19E; 160 Acres in NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T9S, R. 19 EBM; and 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T. 9S. R. 19 EBM. Improvements consist of clearing, cultivating and cropping 240 acres of land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Good loamy soil slightly rolling and would require approx. 4' of water for its profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. In the irrigation season of 1958, I witnessed approximately 3' of water being applied to 240 acres of land under sprinkler irrigation.

(Signed) George F. Gruer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 6th day of December, A. D. 19 58.

Andean Hamells
Notary Public.

My commission expires February 15, 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
DEC 11 1958
Department of Reclamation

Permit No. G 27160

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Nile F. Osterhout, age - 31, residing at Rigby, Idaho; Occupation
Pump Salesman, address - 145 Ramona.

Ques. 2. Are you acquainted with Fred R. Steward, the
holder of Permit No. G 27160? How long have you known him and where does
he reside?

Ans. Yes, I have known him three years and he resides at Hunt, Idaho.

Ques. 3. Have you read or heard read said Permit No. G 27160, and are you
familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Underground source from well, place of diversion is NE $\frac{1}{4}$ NE $\frac{1}{4}$ of SEC. 6,
T. 9S, R. 19 EBM, drilled deep well and is conveyed from point of diversion to
place of use by electric motor and pump and portable irrigation equipment.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. It will safely convey 4' of water and I have seen 4' being so conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. I have seen 1800 GPM of water delivered by the pump and I measured it
through an orifice with a venturi.

27160

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Purpose - Irrigation of following: 60 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 31, T. 8S. R 19E; 160 Acres in NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T $\frac{1}{2}$ S, R. 19 EBM; and 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5 T. 9S, R. 19 EBM. Improvements consist of clearing, cultivating and cropping 240 acres of land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Good loamy soil slightly rolling and would require approx. 4' of water for its profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. In the irrigation season of 1958, I witnessed approximately 3' of water being applied to 240 acres of land under sprinkler irrigation.

(Signed) Wile L. Ostlund

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley,
County of Cassia, State of Idaho, on this 6th day of December,
A. D. 19 58

Andrew Horwells
Notary Public.

My commission expires February 15, 1961

December 11, 1958

RE: Permit No. G-27160

Mr. Fred R. Stewart
P. O. Box 185
Jerome, Idaho

Dear Mr. Stewart:

We acknowledge receipt of the depositions of yourself the holder of the Permit and also the two witnesses, but to date we have not received the affidavit of publication from the North Side News.

If you have not already received it will you please get it and forward it to us as we need it to complete this file.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EIR

27160

December 1, 1958

Re: Permit No. G-27160
Fred R. Stewart

North Side News
Jerome, Idaho

Gentlemen:

We acknowledge receipt of the copy of the Publication of Notice of Proof of Completion of Works and Application of Water to Beneficial Use on Permit No. G-27160, in the name of Fred R. Stewart, published in your November 20th issue.

Upon checking the publication, we find an error in Paragraph 5, Line 4 - it being printed "all in T. 9 S., R. 10 E.B.M.etc" -

The line should read;

"all in T. 9 S., R. 19 E.B.M.

A correction in your subsequent issues will be appreciated and a copy mailed to this department for checking.

Very truly yours,

GEO. N. CAPTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

27160

November 10, 1958

Re: Permit No. G-27160

Mr. Fred R. Stewart
Box 185
Jerome, Idaho

Dear Mr. Stewart:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit No. G-27160. The proofs are to be made at 10:00 A. M. on the 6th day of December, 1958, at Burley, Idaho, before Ardean Howells, Notary Public.

As of this date we have mailed the Notice to the North Side News, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place on the date, at the time, and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (Holder and two Witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Ardean Howells
Notary Public
Wintroath Pump Equipment Company
Burley, Idaho

27160

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-27160
Fred R. Stewart

Date: November 10, 1958

North Side News
Jerome, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to December 6, 1958 the date set for proof; the expense of the publication is to be paid by the applicant

Fred R. Stewart, Box 185 of Jerome, Idaho
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

EPR/lw

27160

RECEIVED
NOV 10 1958

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 10 A.M., on the 6 day of December,
1958, at Burley, County of Cassia, State of Idaho,
before Ardean Howells, Notary Public, at (address) Wintroath
Pump Equipment Company, proof will be submitted of the completion
of works for the diversion of 4 cubic feet per second of underground
water from a well, and of the application to beneficial use of said water,
in accordance with the terms and conditions of Permit No. G12716 heretofore
issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit is Fred R Stewart, Box 185, Jerome, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is
4 cubic feet per second.

4. The point of diversion of said water is in the NE 1/4 of the NE 1/4
of Section 6, T 9 S, R 19 E, BM, County of Jerome

5. The place where said water is used is The SE 1/4 Sec 31, T 8 S, R 19 E,
NE 1/4 and the SE 1/4 of the NW 1/4 Sec 6; T 9 S, R 19 E, and the
NW 1/4 of the NW 1/4 sec 5, T 9 S, R 19 E, all in Boise Co.

6. The date of priority which said user is prepared to establish is

June 1, 1958 Dec. 9, 1957

State Reclamation Engineer

27160
H

RECEIVED
NOV 10 1958
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 4, 1958

(P. O.) Box 185, Rt. 3, Jerome, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

North Side News of Jerome published in
the county in which the works are situated.

Jerome Co. ✓

[Signature]

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

27160

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-27160

RECEIVED
AUG 27 1958
Department of Reclamation

Comes now Fred R. Stewart and
represents to the State Reclamation Engineer of the State of Idaho:

That he is ~~###~~ the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-27160.

That the point of diversion is described in said permit as being located:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, Twp. 8 S., Rge. 19 E., BM.

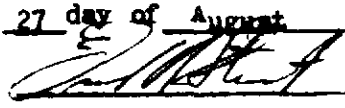
That he now requests that the point of diversion be changed to a point
located NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6, Twp. 9 S., Rge. 19 E. BM.

That the reason for desiring to make such change is as follows:

better location for well site.

That no one will be injured by such change, and that such change will be
made at Permit Holder's own risk.

Signed at Boise, Idaho, this 27 day of August, 1958



Date of receipt at Department of Reclamation August 27, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY
APPROVE the above and foregoing application for amendment to Permit to appropriate
the Public Waters of the State of Idaho, No. G-27160. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it refers
and of which it becomes a part, and said application is approved only insofar as the
rights of others will not be adversely affected thereby.

Recorded in Book 96 of
Permits, at Page 27160
August 27, 1958


State Reclamation Engineer

27160 RWC

GEO. N. CARTER

August 27, 1958

Re: Permit No. G-27160

Mr. Fred R. Stewart
Route #3
Jerome, Idaho

Dear Mr. Stewart:

Enclosed is the Application for Amendment to Permit No. G-27160 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 96 of Permits at Page 27160 amending the point of diversion as described on record to read as follows: "NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 9 South, Range 19 East, B.M." This amendment should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

27160

December 20, 1957

Re: Permit No. G-27160

Mr. Fred R. Stewart
Rt. # 3,
Jerome, Idaho

Dear Mr. Stewart:

We enclose Permit No. G-27160 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-3054 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

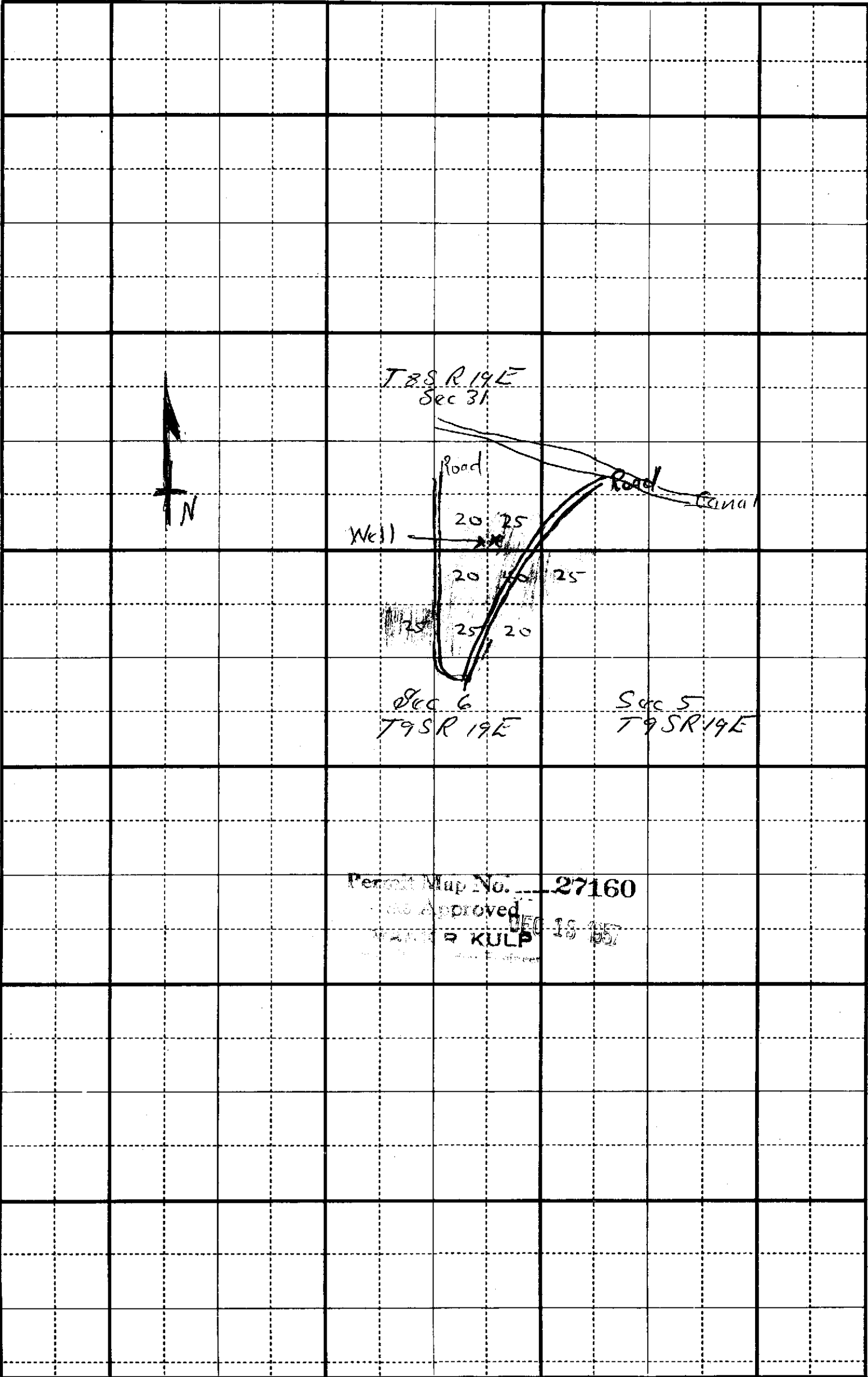
Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
Encls. (2)

27160

NAME OF APPLICANT Fred R. Stewart

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

27160

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho District Land Office

P. O. Box 2137

Boise, Idaho

(PLACE)

April 21, 1954

(DATE)

RECEIVED
MAY 1 1954
Department of Reclamation

NOTICE OF ALLOWANCE

Bred A. Stewart,

Route 13,

Jerome, Idaho

Sir:

Your Recreation Land Entry, Serial No. Idaho 03411
(Kind of application or entry)

Receipt No. 5496, for the lot 4, sec. 5, lots 1, 2, 3, 4,
sec. 6, T. 9 S., R. 19 E., S. 1., Section 6

Township 9 S., Range 19 E., Boise Meridian, *Jerome*

containing 244.37 acres, has this day been allowed, subject to
your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The allowance of this application is subject to an oiled road in lot 4,

sec. 5, lot 1, E. 1/4, sec. 6, T. 9 S., R. 19 E., S. 1., and all

existing dirt road in lot 2, sec. 6, T. 9 S., R. 19 E., S. 1. The

allowance is also subject to a reservation of a 200' right-of-way for

livestock along the existing dirt road.

Very respectfully,

Paul A. Shepard

Manager

cc: BLM, Pocatone, Idaho
State Rec. Mgr., Boise, Idaho

27160