

(Internet)

Page 1 of 9STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 73173APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant Reid G Stewart Phone 220-8000  
Post Office address 3100W 1000S ABERDEEN ID 83210

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes DRY UP GROUND TO WATER  
A HOUSE LOT. GROUNDWATER RIGHT. NEW WELL

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

1. Right Number 35-7857C Priority 1979 Amount (cfs/ac-ft) 0.18 Nature of Use IRR Period of Use 4/1 to 11/01
2. Total amount of water being transferred 0.18 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water GW tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | NW  | NW  | 28   | 4S   | 3E   | BINGHAM |                          |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |
|     |     |     |     |      |      |      |         |                          |

## 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 |        |
| 4S   | 3E   | 28   |        |        |        |        | 9      |        |        |        |        |        |        |        |        |        |        |        | 9      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 9

**PART 1**

**6. General Information:**

a. Description of diversion system WELL/PUMP TO 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 X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

IT WILL BE DRY

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

d. Remarks:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_

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10/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7857C

WATER RIGHT NUMBER: 35-7857C

|                   |                                                                        |
|-------------------|------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                |
| Current Owner     | REID G STEWART<br>3100 W 1000 S<br>ABERDEEN, ID 83210<br>(208)397-4572 |

Priority Date: 05/09/1979

Basis: License

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 11/01           | 1.720 CFS             | 301.00 AF            |
|                       | <u>Total Diversion:</u> | 1.720 CFS             | 301.00 AF            |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| GROUND WATER   | NW1/4SW1/4 | Sec. 24, Twp 04S, Rge 30E, B.M. |
| BINGHAM County |            |                                 |

Place of Use

IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |     |      | SW |    |    |      | SE  |    |    |     | Totals |
|-------------|----|----|----|----|----|----|-----|------|----|----|----|------|-----|----|----|-----|--------|
|             | NE | NW | SW | SE | NE | NW | SW  | SE   | NE | NW | SW | SE   | NE  | NW | SW | SE  |        |
| 04S 30E 23  |    |    |    |    |    |    |     |      |    |    |    |      | 5.0 |    |    | 7.0 | 12.0   |
| 04S 30E 24  |    |    |    |    |    |    | 5.0 | 28.0 |    |    |    | 33.0 |     |    |    |     | 66.0   |
| 04S 30E 25  |    |    |    |    |    |    | 8.0 |      |    |    |    |      |     |    |    |     | 8.0    |

Total Acres: 86

Conditions of Approval:

1. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Remarks:

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10/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7857C

Comments:

1. SCURTIS 1/5/1996 TRANSFER NO. 4735

Comment: Trans. #4735 was filed to change the point of diversion and place of use under Right 35-08626 and a portion of Rights 35-07857 and 35-07920, splitting these rights into parts A & B.

2. PSKAGGS 6/16/1997 TRANSFER NO. 5035

Comment: Transfer No. 5035 changes the point of diversion & place of use under a portion of Right Nos. 35-07857A & 35-07920A, splitting each right into parts C & D.

3. kpickett 9/23/2005 POD

Comment: Correlated PODID 90434 from SpatialDataID 221550 to SpatialDataID 221537

Dates and Other Information:

Licensed Date: 2/12/1991

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

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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 0.18 for IRR purposes from 4/1 to 11/01  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 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 |        |
| 45   | 30E  | 24   |        |        |        |        |        |        | 5      | 3      |        |        |        |        |        |        |        |        | 8      |
|      |      | 23   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 1      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 9**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.04 for IRR purposes from 4/1 to 11/01  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 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 |        |
| 45   | 30E  | 23   |        |        |        |        |        |        |        |        |        |        |        |        | 4      |        |        | 7      | 11     |
|      |      | 24   |        |        |        |        |        |        |        |        |        |        | 33     |        |        |        |        |        | 33     |
|      |      | 25   |        |        |        |        | 8      |        |        |        |        |        |        |        |        |        |        |        | 8      |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres 52

~~PAUL A & PAMELA A MUIR-BROOK~~

~~WD 4-9-85 332912~~

Superior L+L LLC

WD 7-24-06 569733

Konnie F/Tina D Lowder

WD 9-22-99 483319

GARY JOHNSON

WD 8-11-95 436890

James P Brown  
QCD 2-4-00  
497217

~~PAUL A & PAMELA A MUIR-BROOK~~  
~~% RALPH D KLASSEN FARMS~~  
~~WD 4-6-93 414701~~

C  
J  
M  
D  
W  
Q  
Q

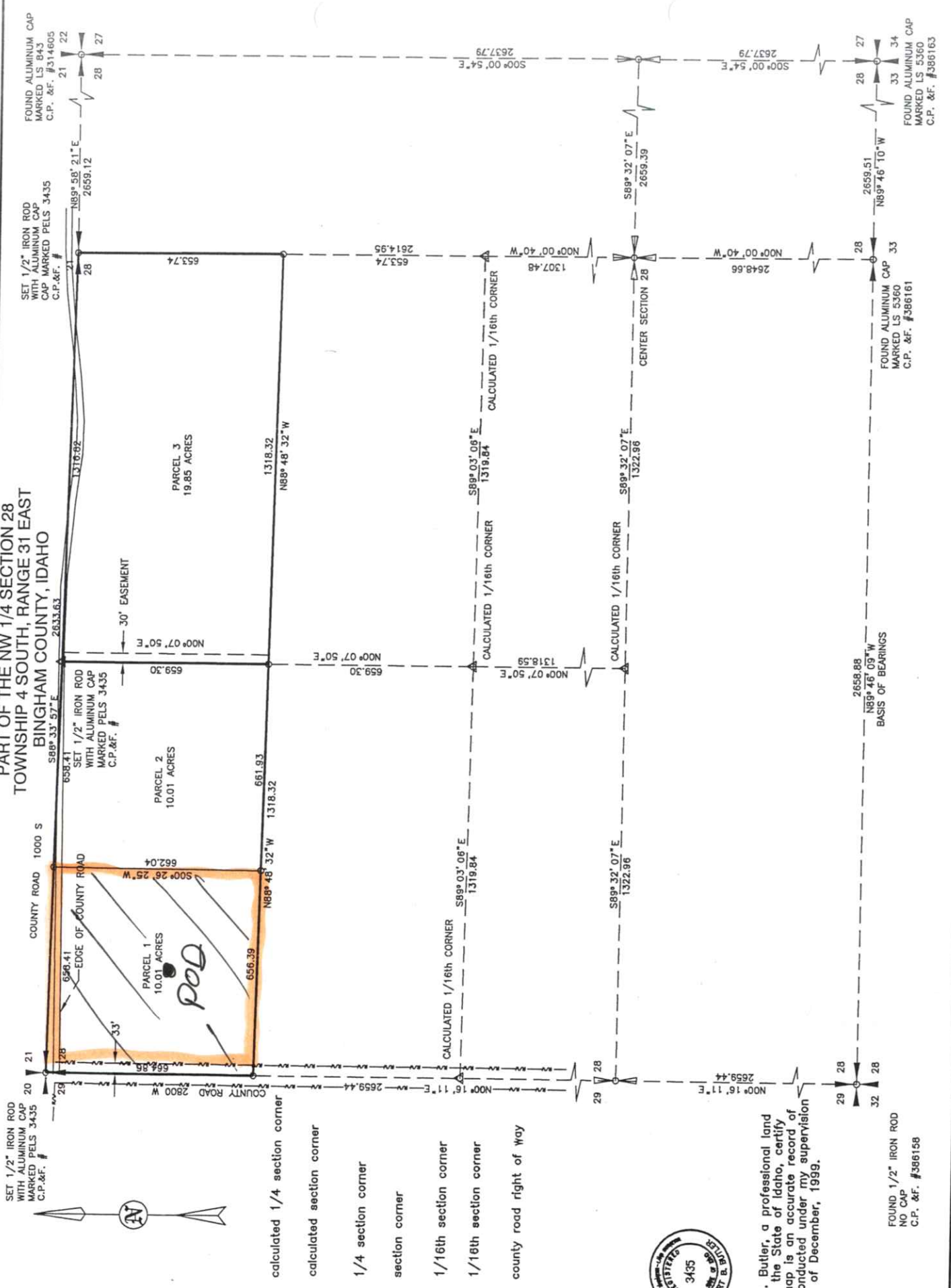
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Received Time Nov. 1. 11:27AM

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EST TUC R212 57 28

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I, Robert B. Butler, a professional land surveyor in the State of Idaho, certify that this map is an accurate record of a survey conducted under my supervision on the 7th of December, 1999.

FOUND 1/2" IRON ROD  
NO CAP  
C.P. & F. #386158

|                                                                                              |                 |                    |                    |                                                                             |  |
|----------------------------------------------------------------------------------------------|-----------------|--------------------|--------------------|-----------------------------------------------------------------------------|--|
| Butler Engineering and Land Surveying<br>224 South State Shelley, Idaho 83274 Phone 357-3898 |                 | PROJECT            |                    | SURVEY FOR DON DODSON<br>SECTION 28, TOWNSHIP 4 SOUTH<br>RANGE 31 EAST B.M. |  |
| DRAWN BY<br>TD                                                                               | JOB NO.<br>1021 | SCALE<br>1" = 200' | DATE<br>01/24/2000 | DRAWING<br>DODSON                                                           |  |

||| 5/ACRES ||| 3 | F  
REMOVE  
ACRES

|||  
1  
ACRE

23 24  
25

### PART 3

#### B. CHANGES IN NATURE OF USE

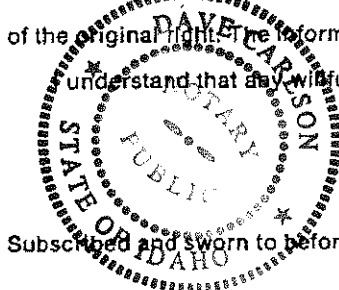
| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |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

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



Rud S. Hunt

(Signature of Applicant)

Subscribed and sworn to before me this 31 day of Oct, 19 2006

Dave Carson

(Notary Public)

My commission expires 2/28/2008

#### FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and        attachments

Received by DC Date 10/31/2006 Protest filed by       

Prelim. check by DC Fee \$100 E032360

Receipted by        Date       

Published in Morning News Copies of protest forwarded by       

Pub. dates        Hearing held by        Date       

Watermaster recommendation requested on        Recommended for ☐ approval ☐ denial

       rec'd.        by       

Copy of transfer sent to lien holder