

RECEIVED

JUN 15 2006

#450

Form 1-222
12-92

(Internet)

Department of Water Resources
Eastern RegionPage 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72848
72848

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Reid G Stewart Phone 220-8000
397-4572
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 COMBINE USE OF TWO WELLS
INTO A PERMISSIBLE PLACE OF USE.
LIMITED TO 335 ACRES IN A SINGLE YEAR.
CAN WATER DIFFERENT CORNER ON DIFFERENT YEARS

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-13488</u>	<u>1977</u>	<u>2.84</u>	<u>IRR</u>	<u>4/1</u> to <u>11/01</u>
<u>~~35-2774B~~</u>		<u>.05</u>	<u>stock</u>	<u>5/1</u> to <u>12/15</u>
<u>35-7644B</u>	<u>1977</u>	<u>.23</u>	<u>IRR</u>	<u>4/1</u> to <u>11/01</u>
<u>35-2774B</u>	<u>2. 1965</u>	<u>2.13</u>	<u>IRR</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 5.19 cubic feet per second and/or _____ acre-feet per annum.3. Source of water BW tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	29	45	31E	BINGHAM	
		NE	NE	29	45	31E	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	
45	31E	29	34	39	40	39	39	39	40										270
		30				40									40				80

72848

K06-335

Total acres 350 AC

PART 1

6. General Information:

a. Description of diversion system two wells/pumps 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:
some of the place of use 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 _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13488

WATER RIGHT NUMBER: 35-13488

Owner Type Name and Address
Current Owner SUPERIOR L & L LLC
 3100 W 1000 S
 ABERDEEN, ID 83210

Priority Date: 06/09/1977

Basis: Decreed

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	05/01 to 12/15	0.050 CFS	1.30 AF
IRRIGATION	04/01 to 11/01	2.840 CFS	732.00 AF
<u>Total Diversion:</u>		2.840 CFS	733.30 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 29, Twp 04S, Rge 31E, B.M.
BINGHAM County		
GROUND WATER	NE1/4NE1/4	Sec. 29, Twp 04S, Rge 31E, B.M.
BINGHAM County		

Place of Use

STOCKWATER

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	31E	29						X											

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	31E	29					34.0	34.0	38.0										106.0
04S	31E	30													39.0				77.0

Total Acres: 183

page 4 of 10

Page 2

72848

06/02/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13488

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. WB4 The total instantaneous diversion of water from all points of diversion under Right 35-13488 shall not exceed 2.84 cfs, nor a total combined annual volume of 733.3 af.
3. 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.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. 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.
6. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. 131 Prior to the diversion and use of water under Transfer approval 71736, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. T18 Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Remarks:

Comments:

1. psdaggs 4/27/2005 8:09:17 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 71736

Dates and Other Information:

Licensed Date:
Decreed Date: 1/31/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 120
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

72848

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7644B

WATER RIGHT NUMBER: 35-7644B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KATHERINE O BRIEN 2923 W 1700 S ABERDEEN, ID 83210-1628 (208)397-7238
Current Owner	REID G STEWART 3100 W 1000 S ABERDEEN, ID 83210 (208)397-4572
Original Owner	PAUL O BRIEN 2923 W 1700 S ABERDEEN, ID 83210-1628 (208)397-7238

Priority Date: 01/06/1977

Basis: Decreed

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	0.230 CFS	
	<u>Total Diversion:</u>	0.230 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 29, Twp 04S, Rge 31E, 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	31E	29	34.0	39.0	40.0	39.0													152.0

Total Acres: 152

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. RIGHT NO. 35-02774B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

page 6 of 10

Page 2

72848

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7644B

3. USE OF THIS RIGHT WITH RIGHT NO. 35-02774B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.
4. CHANGED ADDRESS PER REQUEST. AJ/12-22-98
5. USE OF THIS RIGHT WITH RIGHT NO. 35-02774B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.35 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 608 AF.

Remarks:

Comments:

1. AJU10-EC 11/19/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

SubCase:

SubCase Number: 35-7644B

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 11/13/2001

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 6/2/1999 Objection Status: Active

Date Filed: 6/2/1999 Objection Status: Active

Water Supply Bank:

72848

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2774B

WATER RIGHT NUMBER: 35-2774B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REID G STEWART 3100 W 1000 S ABERDEEN, ID 83210 (208)397-4572
Original Owner	KATHERINE O BRIEN 2923 W 1700 S ABERDEEN, ID 83210-1628 (208)397-7238
Original Owner	PAUL O BRIEN 2923 W 1700 S ABERDEEN, ID 83210-1628 (208)397-7238

Priority Date: 04/16/1965

Basis: Decreed

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 10/31	2.125 CFS	
	<u>Total Diversion:</u>	2.125 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 29, Twp 04S, Rge 31E, 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	31E	29	34.0	39.0	40.0	39.0													152.0

Total Acres: 152

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 35-07644B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2774B

3. CHANGED ADDRESS PER REQUEST. AJ/12-22-98
4. RIGHT NO. 35-07644B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. USE OF THIS RIGHT WITH RIGHT NO. 35-07644B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.35 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 608 AF.

Remarks:

Comments:

1. DCARLSON 9/4/1992 COPIED FROM REMARKS
Comment: PROPERTY WAS PURCHASED FROM O'BRIEN BROTHERS ON MAY 15, 1989 BY PAUL AND KATHERINE O'BRIEN PETORITY ON O'BRIEN BROTHERS LICENSE IS 01/06/77. O'BRIEN BROTHERS PURCHASED THE FARM FROM THEIR FATHER, VINCENT O'BRIEN WHOSE LICENSE PRIORITY WAS 04/16/63. THIS SYSTEM WAS FIRST COMPLETED IN 1958.

2. AJU10-EC 11/19/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 2/15/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.35	608	152

Combined Water Rights: 35-2774B , 35-7644B

Element Reviewed/Verified Dates:

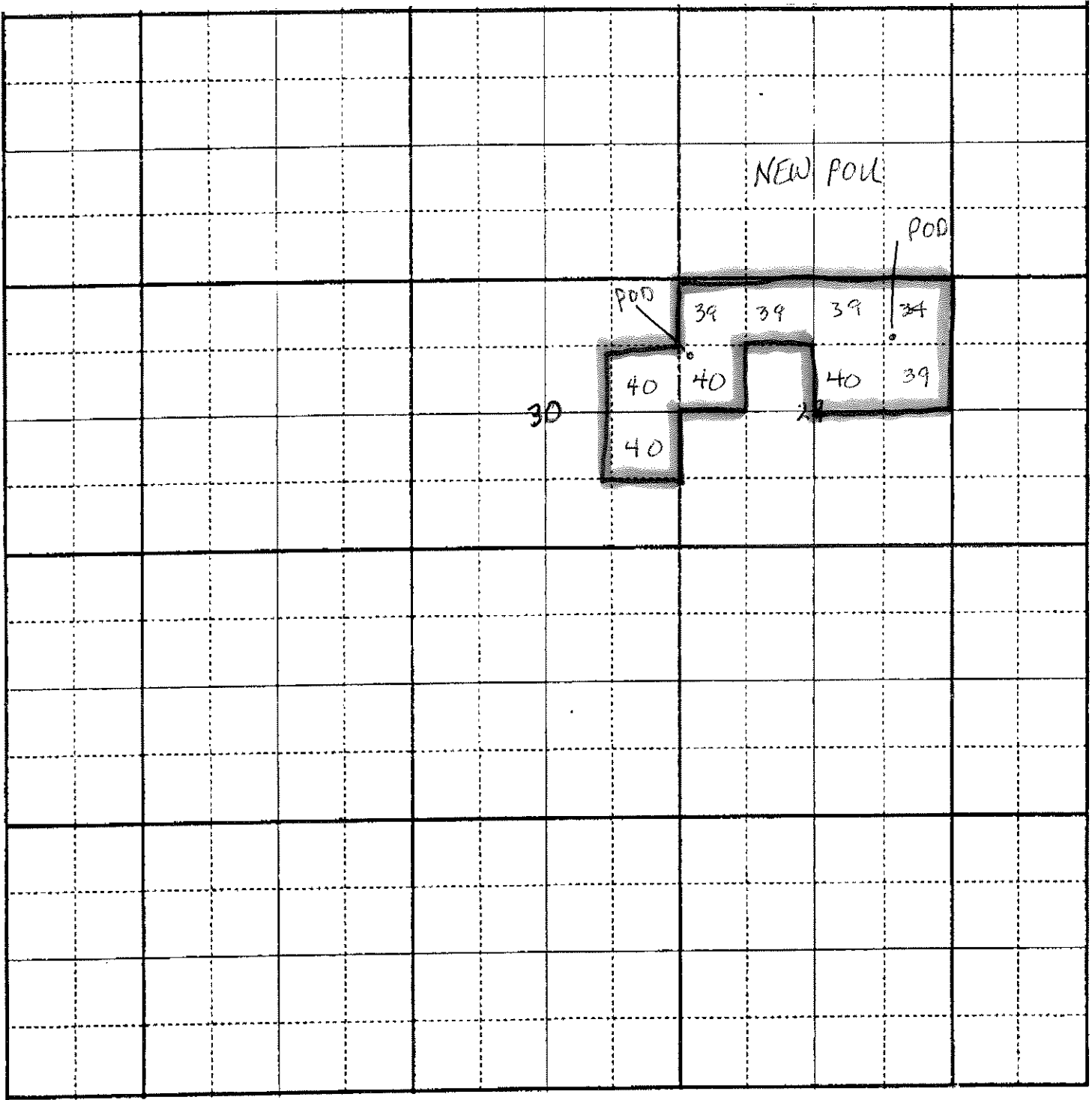
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

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

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

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

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

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

Subscribed and sworn to before me this

Paul J. Sturtevant

(Signature of Applicant)

14th

day of

June19-2000Kimberly Sybil McGowan

(Notary Public)

My commission expires

8/8/09**FOR DEPARTMENT USE ONLY**Transfer contains 10 pages and — attachmentsReceived by — Date —Protest filed by —Prelim. check by — Fee \$450ED 31994Receipted by DC Date —Published in Morning NewsCopies 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 —