

MICROFILMED

T.9N
T.8N

R. 14E

Obidian

Creek

Fisher

X.P.D.

RIVER

JEEP

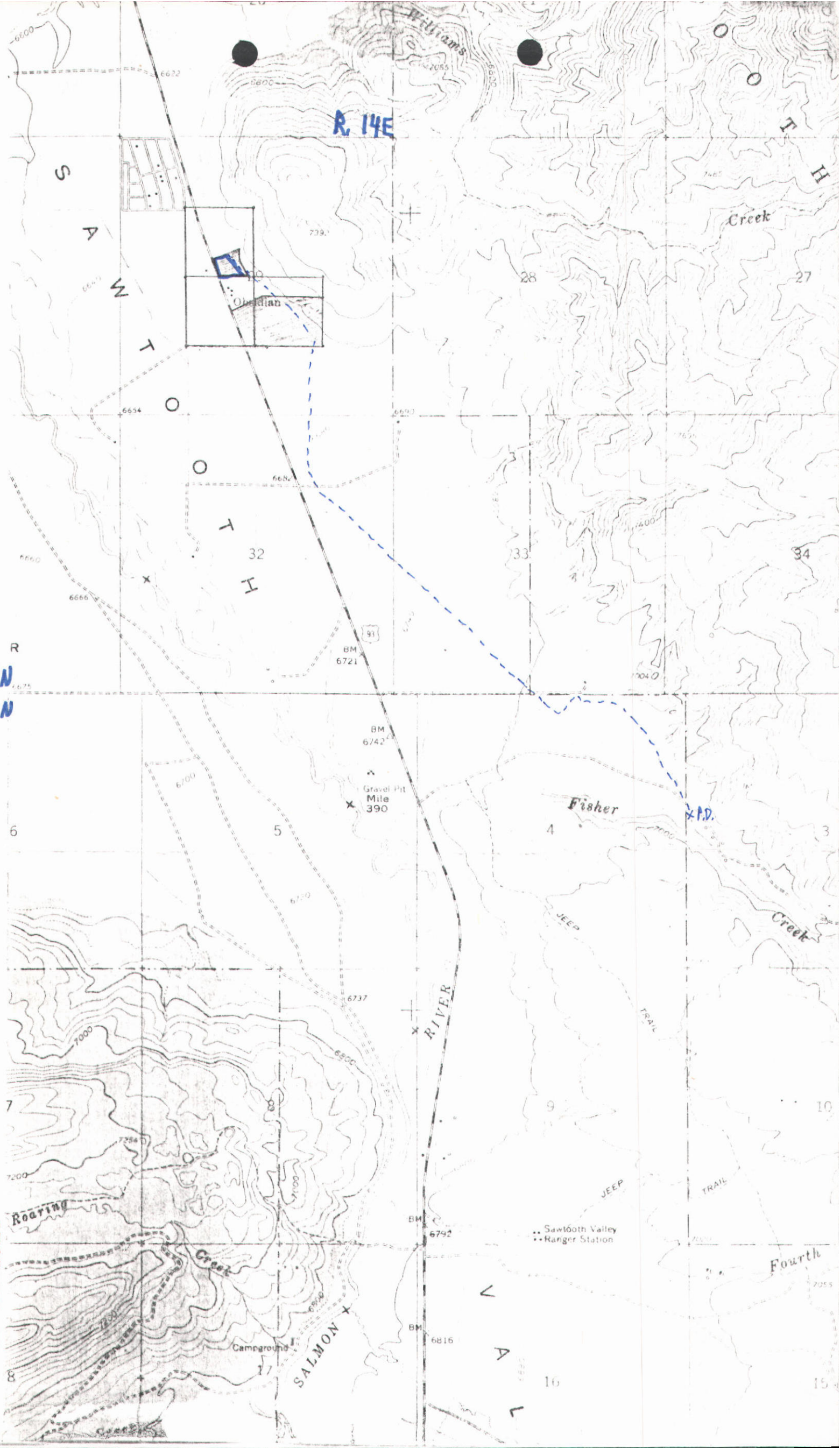
TRAIL

.. Sawtooth Valley
.. Ranger Station

Fourth

Campground

SALMON



AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2

consecutive weeks, commencing with the issue dated APR 14

1983 and ending with the issue dated APR 21 1983

Margaret Parks

Subscribed and sworn to before this 22nd day of April

1983 Ethel M. Peck

Notary Public, residing at Challis, Idaho. My commission expires on

4/26/86

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

71-4035

STEWART, FRED R.

RT. 4, BOX 4826, JEROME

ID 83338

Source: FISHER CREEK
trib. to SALMON RIVER

Priority Date: 06/09/1908

Diversion Pt: SWNW Sec
03 T 08N R 14E

Use: IRRIGATION (0.20
CFS) STOCKWATER (0.02
CFS)

In: SENW S ~29 T 09N R
14E FOR 5 ES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Fred R. Stewart
(Name of Claimant)
Route #4 Box 4826, Jerome, ID 83338 Telephone No 825-5104
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority. (When was the water first applied to a beneficial use) June 9, 1908

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water (Name of stream, lake, spring, etc., or ground water)
Fisher Creek tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.20 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>Jun 1</u>	To <u>Oct 1</u>
Quantity	<u>0.02 cfs</u>	Use	<u>Livestock</u>	Period of Use From <u>Apr 1</u>	To <u>Dec 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.20 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 3 Twp 8N Rge. 14E B.M., County of Custer
Additional points of diversion.

B) Describe means of diversion of water. (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate & ditch, gravity irrigation system. Stock drink from ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	14E	29								5									5

No. of acres 5

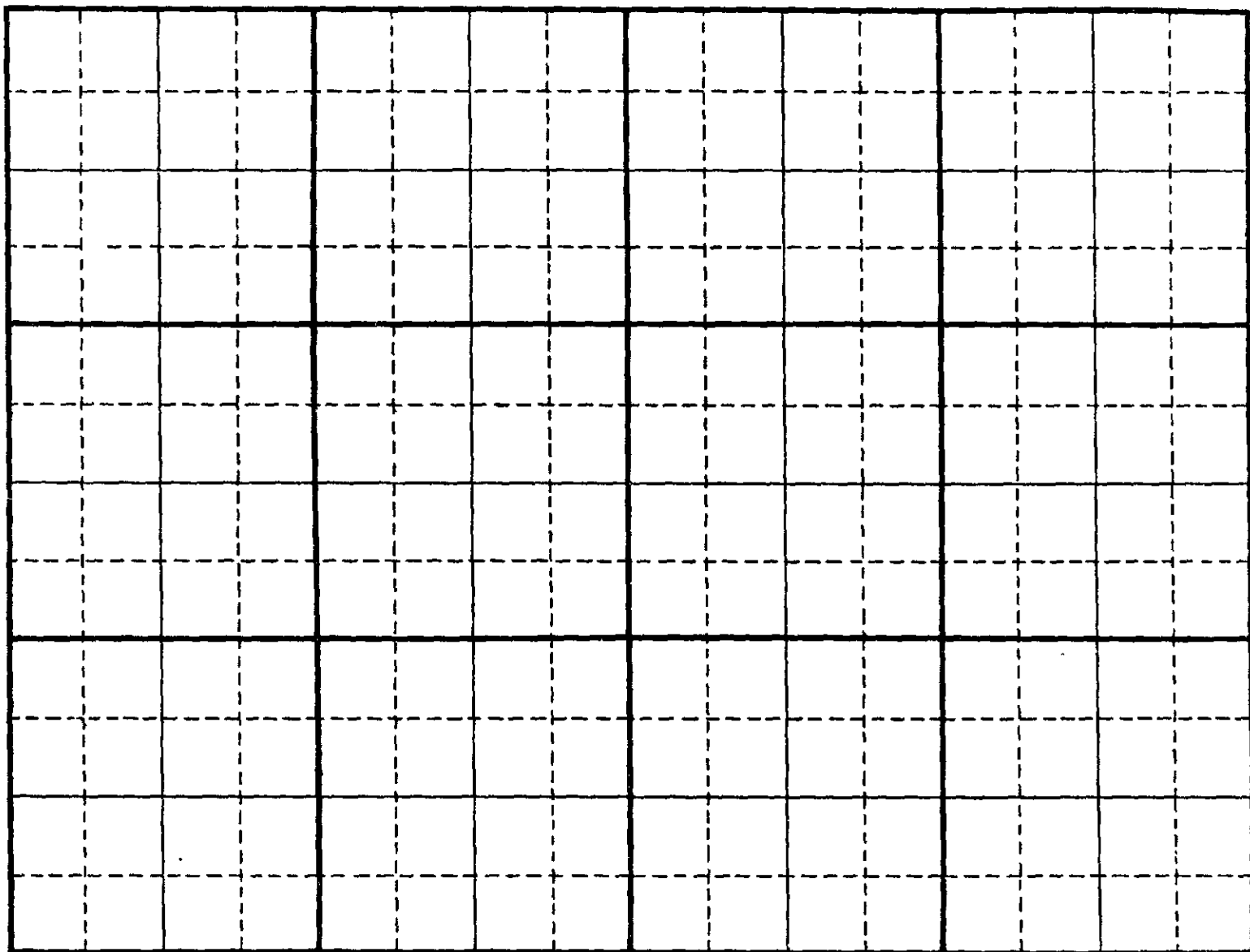
B) If water is used for other than irrigation, fully describe that use, being as specific as possible

NOTE Include here the type and number of stock watered 25 beef cattle

(7) If you are claiming water as a member of an organization, list name of organization

Microfilm

(8) Remarks 2" per acre is being claimed due to gravelly nature of soil.
Priority date claimed is the earliest date given in the Cavanaugh vs Merritt
decree, as this land has always been irrigated from Fisher Creek.



Scale: 2 inches equal 1 mile.

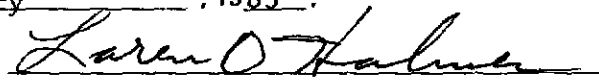
Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.


(Claimant)

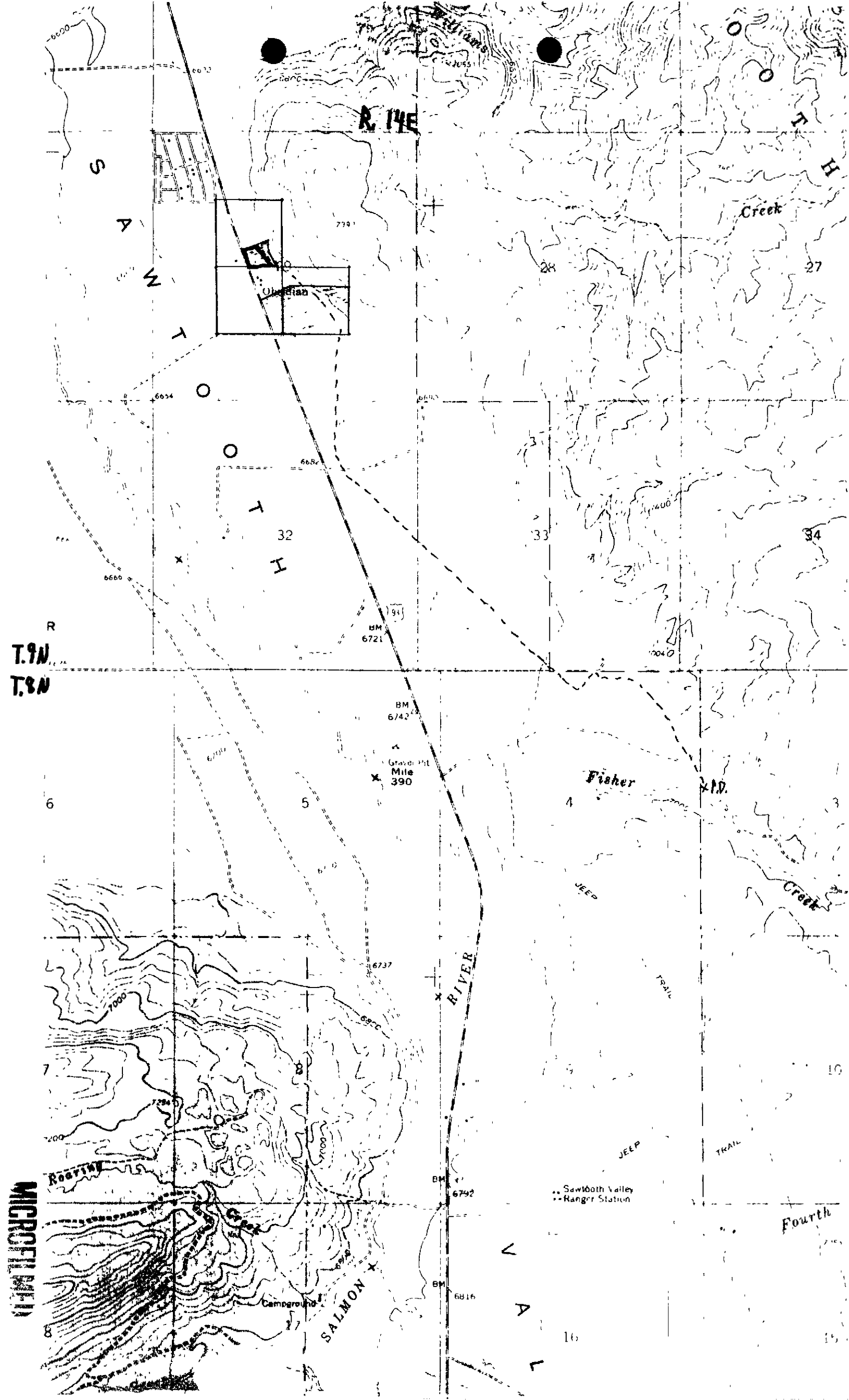
Sworn to before me this 22nd day of February, 1983.


Notary Public
Residing at Twin Falls, ID

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>J. G. Stanton</u>	Date <u>2-22-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>[initials]</u>	Date <u>3-3-87</u>		claimant by:	
\$30.00 fee received by <u>[initials]</u>	Date <u>2-22-83 #26026</u>			
Published in <u>Boise Publishing Co</u>				
Dates <u>4/14 + 4/21/84</u>				



WARRANTY DEED

For Value Received

JAMES M. DECKER and VERNA DECKER, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

FRED R. STEWART and PHYLLIS LAREY STEWART, husband and wife

Hereinafter called the grantee, the following described premises, in _____ Custer _____ County, Idaho, to-wit:

Township 9 North, Range 14 E., B.M., Custer County, Idaho

Section 29: That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:
 COMMENCING at the intersection of the Easterly right of way line of U.S. Highway No. 93 and the Southerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29, running thence N. 21°01'31" W., along the Easterly right of way line of U.S. Highway No. 93 a distance of 1414.23 feet to the true point of beginning, Thence continuing N. 21°01'31" W., 368.17 feet; Thence N. 68°58' E., 580.0 feet; Thence S. 7°45' E., 202.8 feet; Thence S. 28°58' E., 390.6 feet; Thence N. 89°56' W., 609.45 feet to the true point of beginning. Containing 5.95 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 26, 1971

James M. Decker
 James M. Decker
Verna Decker
 Verna Decker

STATE OF IDAHO, COUNTY OF

On this 1st day of May, 1971,
 before me, a notary public in and for said State, personally appeared

James M. Decker and Verna Decker,
 husband and wife

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

John M. O'Brien
 Notary Public

Residing at Twin Falls, Idaho
 Comm. Expires 9-12-1974

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at
 the request of Western Title Co.

at minutes past 1:00 o'clock P. m.,
 this 4th day of May,
 1971, in my office, and duly recorded in Book filmed
 of Books at page 4 indexed.

Eva Mann
 Ex-Officio Recorder

By _____ Deputy.

Fees \$ 1.00Mail to: Box 486

Twin Falls, Idaho 83301

TWIN FALLS, IDAHO 83301

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer, ss

1. MARGARET PARKS.

Publisher of the Challis Messenger a weekly newspaper published at Challis, Idaho do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated APR 14 1983 and ending with the issue dated APR 21 1983

Subscribed and sworn to before
this 22nd day of April
19. 83 6

Notary Public, residing at Challis
Idaho My commission expires on
4/26/86

[illegible]

UNCLASSIFIED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1841 Blue Lakes Blvd. N.
Twin Falls, Idaho 83761
(208) 734-1579

MAY 5, 1982

FRED R. STEWART
PT. J. BOX 1022
JEROME

ID 83379

RE Claim no. 71-4617

Dear Claimant:

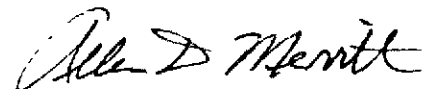
The Department of Water Resources has completed the adjudicating of your claim to a water right, and no further action is authorized under Section 42-141 and 42-142, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and adjudicating of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or circumstantial evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when communicating with this office.

We are enclosing a copy of your claim for your records. If you have questions or if this office may be of further assistance, please feel free to contact us.

Very truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

MICROFILMED

NOT OF CLAIMS TO WATER RIGHT

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Z1-4035-

STEWART, FRED R.

RT. 4, BOX 4826, JEROME, ID 83338

Source: FISHER CREEK trib. to SALMON RIVER

Priority Date: 06/09/1908

Diversion Pt. SWNW Sec 03 T 08N R 14E

Use: IRRIGATION (0.20 CFS)
STOCKWATER (0.02 CFS)

In: SENW Sec 29 T 09N R 14E FOR 5 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 4/14 & 4/21/83.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 6, 1983

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 2, 1983.

Yours truly,

Mary R. Newby
Secretary

Encl.

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: *JS*

Right Number 71-4035 Applicant Stewart, Fred R.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. -None

By *ADN* Date 5/2/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By *RC* Date 5/19/83

RECEIVED
MAY 19 1983

Department of Water Resources