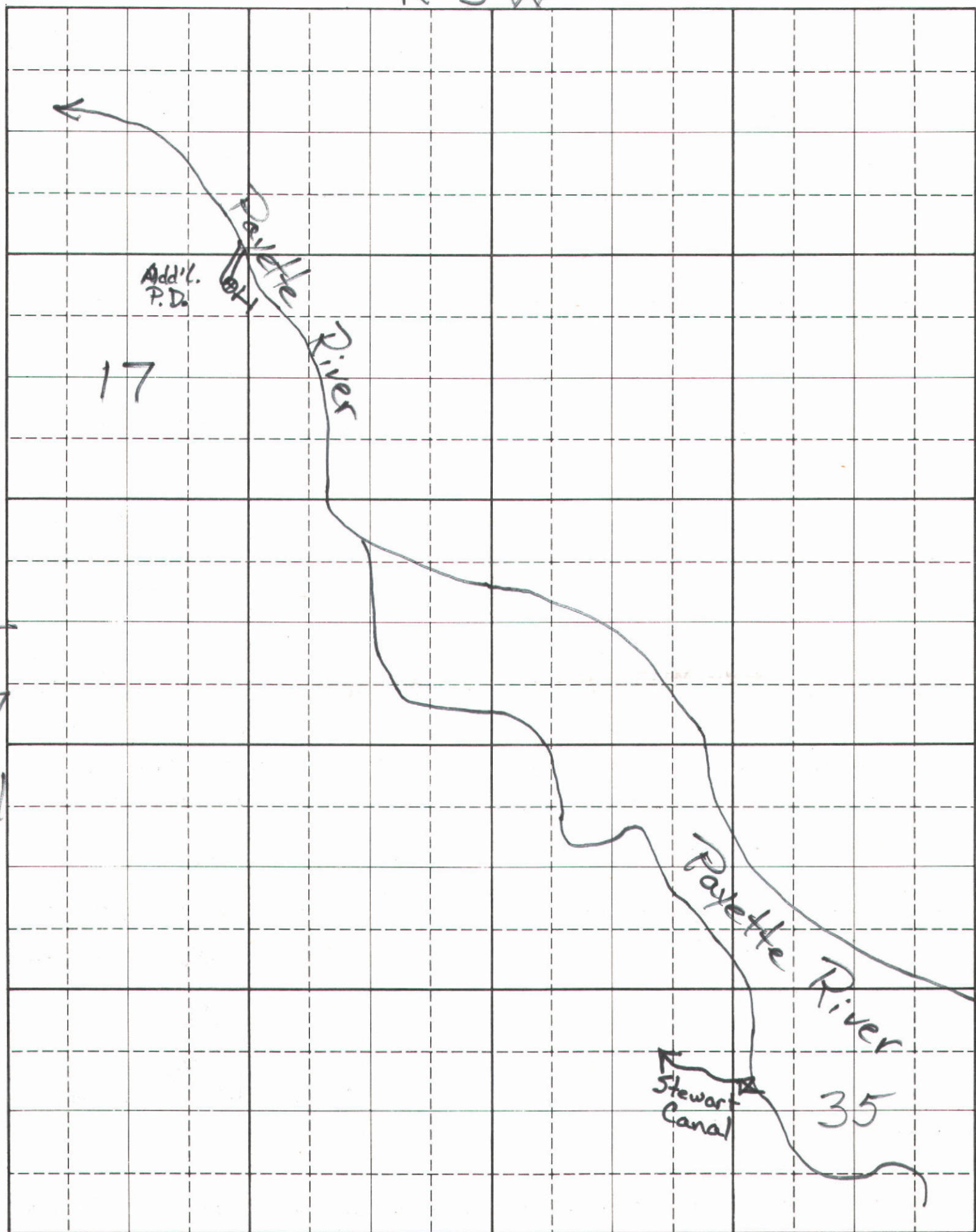


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R 3 W



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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Antelope, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document;
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for 2.

consecutive weekly issues thereof, be-

ginning with the issue of 6-14.

19 79 and ending with the issue of

9-21, 19 79

Antelope

Subscribed and sworn to before me this

27th day of

Sept., 19 79

Antelope R. Hart

Notary Public,

Residing at Emmett, Idaho.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT CORRECTION No. 65-9971X

Notice is hereby given that the
Stewart Ditch Company of
Emmett, Idaho, has applied to
the Department of Water
Resources to add a point of
diversion of the water of the
Payette River. The right sought
to be changed is evidenced by
claim and is recorded as follows:

Amount: 30.83 cfs. Priority:
12-27-80. Point of Diversion:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 7N, R.
3W, Gem County.

The water is used for irrigation
purposes from 3-15 to 11-15 in
portions of Sections 16, 17, 18,
20, 21, and 2, all in T. 7N, R 3W.

TO BE CHANGED AS FOLLOWS:

Amount: 30.83 cfs. Points of
Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35,
T. 7N, R. 3W and Lot 1, Sec. 17,
7N, 3W, Gem County.

The water will be used for
irrigation purposes from 3-15 to
11-15 and place of use will be
unchanged.

Any protest against approval
of this application must be filed
with the Director of the Idaho
Department of Water Resources,
92 South Cole Road, Boise,
Idaho 83705 on or before June
18, 1979.

C. Stephen Allred,
Director

2-6-14,6-21

OK-KR
10/21/79

RECEIVED

OCT 1 1979

Department of Water Resources
Western Regional Office

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C P. 54(b) FOR
Case No. 39576)
) Water Right 65-00071X

NAME AND ADDRESS: STEWART DITCH CO
C/O BRUCE LYSGAARD
2068 COUNTY LINE RD
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 37.92 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 60.12 CFS. COMBINED RIGHT NOS.:
65-00071B, 65-00071C & 65-00071A.***

PRIORITY DATE: 12/27/1880

POINT OF DIVERSION: T07N R03W S17 LOT 1 (NENE) Within Gem County
S35 SNNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	37.92 CFS

PLACE OF USE:
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1292 ACRES IN A
SINGLE IRRIGATION SEASON WITHIN THE BOUNDARY OF THE STEWART
DITCH COMPANY.***

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use: No Change

TWP.	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 30.83 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW ¼ NW ¼, Section 35 Township 7N
Range 3W, B.M., Gem County
Additional points Lot 1, Sec. 17, T 7N, R 3W, Payette County
- c. Description of diverting works Pump and pipeline. & present Headgate and canal.
- d. Describe the reasons for applying for a change in the point(s) of diversion More efficient delivery at end of present canal.

2. Change in place of use NO CHANGE

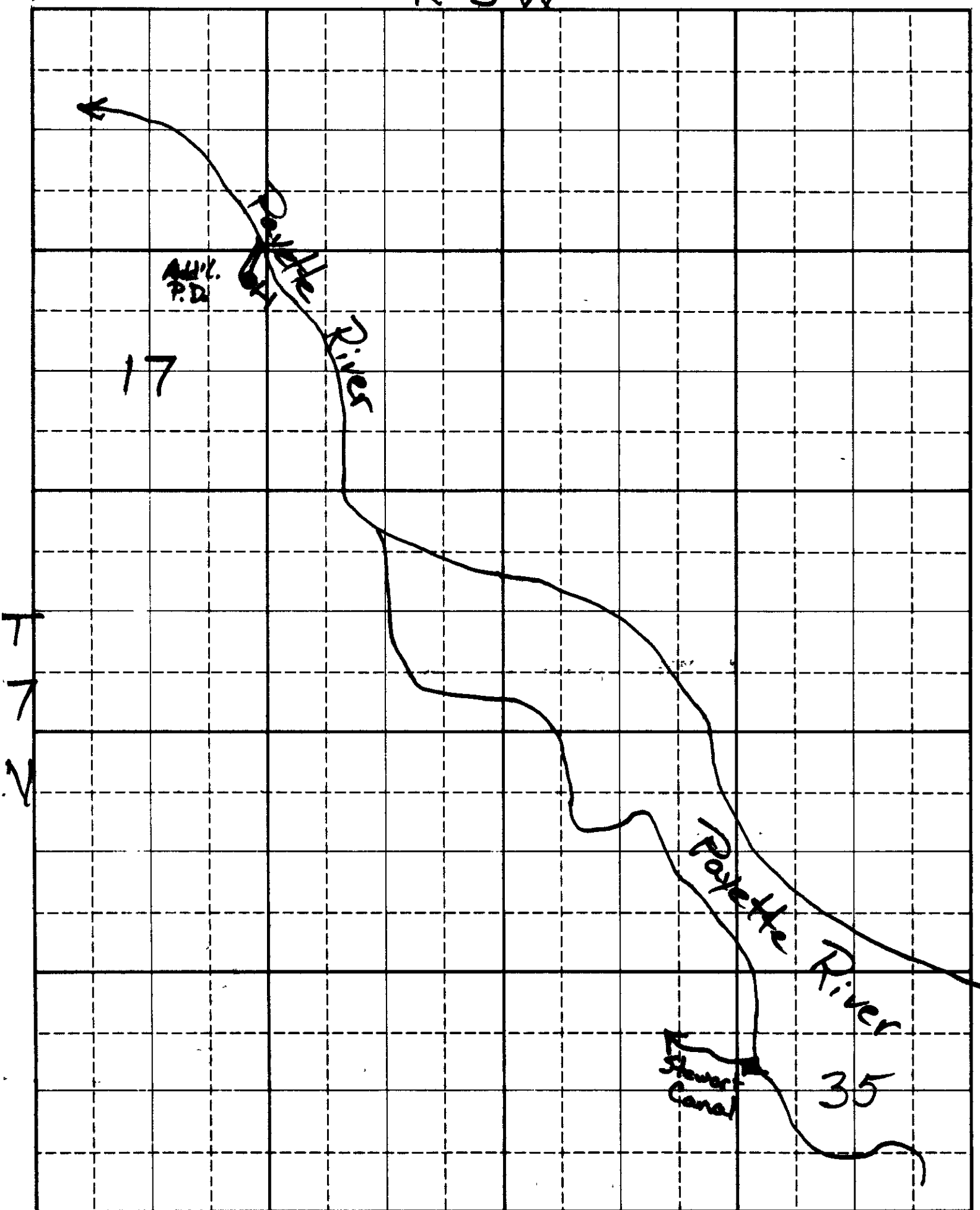
a. Describe the lands or place of use to which the right will be transferred:

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

R 3 W



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

4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Leonard Plot President
(Signature of applicant)

Subscribed and sworn to before me this 10th day of May, 1979.

J. J. J. J.
(Notary public)

My commission expires 7-15-80

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 65-0071 X and said application is hereby approved, subject to the following limitations and conditions:

(1) Approval of this transfer does not validate items identified on the claim. (2) Use of water under this Right is subject to control by the watermaster of State Water District No. 65, Payette River. (3) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 9th day of October, 1979.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by KK Date 5/18/79 ^{4:00pm} Protest filed by _____
Prelim. check by CWB Fee 35.00 #13120
Receipted by KK Date 6/6/79
Published in Emmett Messenger Index Copies of protest forwarded by _____
Pub. dates 6/14 + 6/21/79 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by DBS Jlin

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 65-0071X

Notice is hereby given that the Stewart Ditch Company of Emmett, Idaho, has applied to the Department of Water Resources for add a point of diversion of the water of the Payette River. The right sought to be changed is evidenced by claim and is recorded as follows:

Amount: 30.83 cfs

Priority: 12/27/1980

Point of Diversion: ~~SW1/4~~, Sec. 35, T. 7N, R. 3W, Gem County.

The water is used for irrigation purposes from 3/15 to 11/15 in portions of Sections 16, 17, 18, 20, 21, & 2, all in T. 7N, R. 3W.

TO BE CHANGED AS FOLLOWS:

Amount: 30.83 cfs

Points of Diversion: ~~SW1/4~~, Sec. 35, T. 7N, R. 3W and Lot 1, Sec. 17, 7N, 3W, Gem County.

The water will be used for irrigation purposes from 3/15 to 11/15 and place of use will be unchanged.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, 92, S. Cole Road, Boise, Idaho 83709 on or before June 25, 1979.

C. STEPHEN ALLRED, Director

Published in the Emmett Messenger-Index on 6/14 & 6/21/79.

MICROFILMED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Arvid E. Eide, being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly and continuously
for more than 78 weeks prior to the first
publication of the annexed document;
and that the document notice, process,
or advertisement hereunto annexed was
published in the regular edition of

Messenger-Index for 2

consecutive weekly issues thereof, be-

ginning with the issue of 6-14

1979 and ending with the issue of

9-21, 1979

Arvid Eide

Subscribed and sworn to before me this

21 day of

Sept, 1979

W. L. Lewis

Notary Public,
Residing at Emmett, Idaho.

PROPOSED CHANGE OF WATER RIGHT CORRECTION No. 85-9971X

Notice is hereby given that the
Stewart Ditch Company of
Emmett, Idaho, has applied to
the Department of Water
Resources to add a point of
diversion of the water of the
Payette River. The right sought
to be changed is evidenced by
claim and is recorded as follows:

Amount: 30.83 cfs. Priority:
12-27-80. Point of Diversion:
SW 1/4 NW 1/4, Sec. 35, T. 7N, R.
3W, Gem County.

The water is used for irrigation
purposes from 3-15 to 11-15 in
portions of Sections 16, 17, 18,
20, 21, and 2, all in T. 7N, R 3W.

TO BE CHANGED AS FOLLOWS:

Amount: 30.83 cfs. Points of
Diversion: SW 1/4 NW 1/4, Sec. 35,
T. 7N, R. 3W and Lot 1, Sec. 17,
7N, 3W, Gem County.

The water will be used for
irrigation purposes from 3-15 to
11-15 and place of use will be
unchanged.

Any protest against approval
of this application must be filed
with the Director of the Idaho
Department of Water Resources,
92 South Cole Road, Boise,
Idaho 83705 on or before June
18, 1979.

C. Stephen Allred,
Director

2-6-14,6-21

RECEIVED

OCT 1 1979

Department of Water Resources
Western Regional Office

MAR 02, 1979

PAGE 2/10

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

SOURCE: PAYETTE RIVER

* INDICATES TOTAL *

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE PERIOD FROM TO	USE	IRRIGATION	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	RASIS FOR RIGHT
65-0071X	STEWART DITCH COMPANY C/O LENARD PLATZ, ROUTE 1, BOX 164, FAMEET, IDAHO 83617 REMARKS: LANDS IRRIGATED THROUGH STEWART DITCH.	12/27/1880	3/15 11/15		IRRI	--- AFA 30.83 CFS	SWNW S35 T 7N R 3W	SENE(137) NSWM(7) BENEFICIAL SWSW(132) NESE(140) USE SESE(140) LOT 1(31) S17 T 7N R 3W SWNE(134) SENE(132) NENW(123) SWNW(140) SENE(139) NESW(139) NESE(134) NWSE(140) NENW(140) NNEE(11) NENE(138) SESE(7) S20 T 7N R 3W NENW(132) NSWM(134) SWSW(137) SESE(134) NESE(138) NWSE(119) SWSE(128) SESE(127) SWNW(130) LOT 6(8) LOT 4(10) LOT 5(35) S21 T 7N R 3W NENE(137) NNEE(132) SWNE(137) SENE(131) NENW(136) NNNW(135) SWNW(7) SENW(138) NENW(17) NESE(124) NWSE(133) S28 T 7N R 3W SWNE(11) SENE(3) NESE(113) S18 T 7N R 3W LOT 5(134) LOT 6(4) LOT 7(2) S16 T 7N R 3W *1292*	BENEFICIAL USE
65-0079	LETHA IRRIGATION & WATER COMPANY, INC. C/O NELOA PLATZ, ROUTE 2, NEA PLYMOUTH, IDAHO 83655 REMARKS: IRRIGATED BY NICHOLS DITCH.	3/30/1881	3/15 11/15		IRRI	--- AFA 8.12 CFS	SWNW S35 T 7N R 3W	NNNW(139) SWNW(139) BENEFICIAL SENE(131) NESE(111) USE NWSE(136) SWSE(120) SESE(138) NESW(136) NENW(12) NENW(6) SESE(8) LOT 2(9) S27 T 7N R 3W SWSW(132) SESE(11) LOT 5(135) S22 T 7N R 3W *335*	BENEFICIAL USE

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the ~~regional office~~ Decree files is ~~is notified~~ of any changes or correspondence.
ARE CHECKED for

J.S. 10/11/79

October 10, 1979

Stewart Ditch Company
X Lenard Platz
Route 1 Box 164
Emmett, Idaho 83617

Dear Mr. Platz,

RE: Transfer of Water Right No. 65-0071X

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2319). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SEXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Stewart Ditch Co.	30.83		65-0071X
2319	Stewart Ditch Co.	30.83		65-0071X

T
R
A
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S
F
E
R

MICROFILMED

STATE OF IDAHO
Department of Water Resources

No 13120

Boise, Idaho, June 6, 19 79

RECEIVED
FROM

Dennis of Rt. 2 New Plymouth, 35.00
Thirty five dollars & no/100 DOLLARS

FOR

<u>Transfer</u>	<u>35</u>	<u>00</u>
\$		
\$		
\$		
\$		
TOTAL . . .	\$ <u>35</u>	<u>00</u>

K. Knecht

PAID
JUN 11 1979

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET**

INITIAL REVIEW BY: CW Ryan

1. Right number 65-0071A Applicant STEWART DITCH CO.
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
☒ a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
☒ b. ☒ Description of original point of diversion.
☒ c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
☒ a. ☒ All of right.
b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
☒ c. ☒ Check description of point(s) of diversion.
d. ☒ Check description of place of use.
☒ e. ☒ Check map (shows p.d. and p.u. after transfer).
f. ☒ Check for correct signature, notarization, and fee.
g. ☒ Check proof of ownership of right &/or land from which water is transferred. N/A
h. ☒ Check for expansion in use of right. Comments N/A

i. ☒ Check for existing water rights from same source, on land water is being transferred to.
o Right number(s) N/A
j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 65- Payette R.

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Payette River W.M. conditions

USE THIS condition → "Approval of this transfer does not validate items identified on the claim." - [Also Transfer conditions No. 1 & 2 (65, Payette R.)]

4. By OBS

Date 10/3/79

10/9/79
* All uses within Watermaster Districts require special conditions.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET**

INITIAL REVIEW BY: 61 Sisco

1. Right number 65-0071X Applicant Stewart Ditch Co.
2. Type of right: ☐ Decree ☐ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (*NOTE! Part B should be filled in only if part of the right is owned by the applicant*).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☐ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____

 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____