

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

Kenneth and Billie Stewart
(Name of Claimant)

Rte 1 Box 30 NAKKAY IDAHO 83251
(Mailing Address) (Zip Code)

Telephone No 555-2563

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 1, 1961

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)

surface water tributary to

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>04 CFS</u>	Use	<u>irrigation</u>	Period of Use From <u>May 1</u>	To <u>Nov 1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) 04 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SE 1/4, Sec. 31 Twp. 1N Rge. 25E 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. pump and pipeline

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
<u>7N</u>	<u>25E</u>	<u>31</u>													<u>NE</u>				<u>1.5A.</u>

No. of acres 1.5A.

- 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:

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

(8) Remarks _____

A grid of graph paper with handwritten text. The text "Section 31" is written in the center, and "N.E. 1/4" is written below it, slightly to the right. The grid consists of solid lines forming a 10x10 grid of squares, with dashed lines forming a 20x20 grid of smaller squares. The text is written in a cursive, handwritten style.

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 Custer) 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.

Kenneth Stewart
(Claimant)

Sworn to before me this 10 day of March, 1980.

Notary Public
Residing at Mackay

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by rw Date 3/11/80 Exception filed by _____ Forwarded to _____ Date _____
Prelim. check by pc Date _____
\$20.00 fee received by rw Date 3/11/80 #13851 Forwarded to claimant by: _____
Published in Custer Co. Publishing Co. _____
Dates 3/20 & 3/27/80 _____

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET FARIS

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 MAR 20 ..
19 80 and ending with the issue
dated MAR 27 , 19 80..

Margaret Faris

Subscribed and sworn to before
me this 8 day of April
19 80.

Handa M. Gamaal

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

April 30, 1983

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the
following claims to water rights have
been established by diversion and
application to beneficial use:

34-4044

STEWART, KENNETH &/or
BILLIE

RT. 1, Box 30, MACKAY, ID 83251

Source: GROUNDWATER

Priority Date: 06/01/1961

Amount: 0.04 CFS

Diversion Point: NESE Sec 31 T 07N
R 25E, CUSTER Co.

Use: IRRIGATION (0.04 CFS) from
05/01 to 11/01

Place of Use: NESE Sec 31 T 07N R
25E FOR 2 ACRES

Diversion Means: WELL, PUMP &
PLASTIC LINE.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Department of
Water Resources, 1515 Lincoln Road,
Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Pub. 3/20 & 3/27/80.

000

OK KW
4/14/80

RECEIVED

APR 9 1980

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: jc

Right Number 34 4044 Applicant Stewart
34-244

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. 4/7
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 4/7/1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juan Date 4/22/80

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 52-7186

APRIL 10, 1980

KENNETH STEWART
BILLIE STEWART
RT. 1, BOX 30
MACKAY

ID 83251

RE: Claim No. 34-4044

Dear Claimant,

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, 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 advertising 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 supporting 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 corresponding 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.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

April 8, 1980

RE: Claim to a Water Right No. 34-4044 STEWART

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 20 and 27, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

RECEIVED
APR 10 1980

March 17, 1980

RE: Claim to a Water Right No. 34-4044

Kenneth and Billie Stewart
Rt. 1, Box 30
Mackay, ID 83251

Dear Mr. and Mrs. Stewart:

Attached herewith is Departmental Receipt No. 13851 in the amount of \$20.00 for the above referenced claim to a water right.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MARCH 13, 1980

Custer County Publishing Co.
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 APRIL 7, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

UNRECORDED

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C. STEPHEN ALLRED

Director

Published 3/20 & 3/27/80.

RECEIVED
MARCH 27 1980
IDAHO DEPARTMENT OF WATER RESOURCES

34-4044-

STEWART, KENNETH &/or BILLIE

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