

09/30/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-4086

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO
755 N 3400 E
MENAN ID 83434

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T05N R38E S26 NESWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	54.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

3490 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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. Section 42-1412(6), Idaho Code.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

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The source of this right is waste water originally diverted by Long Island Irrigation Co.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Long Island Irrigation Co.

Right No. 25-4085 is also diverted through point of diversion described above.

Stockwater use is for 600 range cattle.

RECEIVED

APR 19 2002

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

Department of Water Resources
Eastern Region

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 25-4086
Date Received:
Receipt No: E006260
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

INDEPENDENT IRRIGATION CO Phone: (208)754-4733

755 N 3400 E
MENAN ID 83434

2. Date of Priority: 06/01/1884

3. Source: WASTEWATER
SPRINGS

Trib. to: SCOTT SLOUGH
SCOTT SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	38E	21	SE SE SW	JEFFERSON	
05N	38E	28	NW NW NE	JEFFERSON	

5. Description of diverting works:

HEADING FOR INDEPENDENT CANAL - CONCRETE WITH METAL SCREW GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	132	
STOCKWATER	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
132 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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05N	37E	25	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
						Section Acres	80
05N	38E	7	SW	SW	10	IRRIGATION	30
						Section Acres	30
05N	38E	18	SW	NE	17	IRRIGATION	10
			SE	NE	17	IRRIGATION	10
			NE	NW	7	IRRIGATION	22
			NW	NW	8	IRRIGATION	40
			SW	NW	9	IRRIGATION	40
			SE	NW	10	IRRIGATION	34
			NE	SW	13	IRRIGATION	40
			NW	SW	5	IRRIGATION	40
			SW	SW	6	IRRIGATION	40
			SE	SW	4	IRRIGATION	40
			NE	SE	11	IRRIGATION	27
			NW	SE	12	IRRIGATION	40
			SW	SE	14	IRRIGATION	40
			SE	SE	15	IRRIGATION	40
						Section Acres	463
05N	38E	19	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	38.8
			SW	NW	2	IRRIGATION	38.9
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	38.8
			SW	SW	4	IRRIGATION	38.9
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	635.4
05N	38E	20	NE	NE		IRRIGATION	9
			NW	NE		IRRIGATION	13
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	13
			NW	NW		IRRIGATION	32
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	547

05N	38E	21	NE	SW	IRRIGATION	5
			NW	SW	IRRIGATION	11
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	37
					Section Acres	91
05N	38E	28	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	5
			SE	NW	IRRIGATION	5
					Section Acres	90
05N	38E	29	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	200
05N	38E	30	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	39.1
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	39
			NW	SE	IRRIGATION	10
					Section Acres	390.1
					Total Acres	2526.5

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED FOR YEAR AROUND STOCKWATER.

PLACE OF USE REFLECTS LANDS OWNED BY STOCKHOLDERS IN INDEPENDENT CANAL THAT ARE ENTITLED TO WATER FROM SCOTT SLOUGH. INDEPENDENTS RIGHT TO USE WATER FROM SCOTT SLOUGH WAS AFFIRMED IN AN IDAHO SUPREME COURT DECISION ENTITLED INDEPENDENT IRRIGATION CO. VS G. CLYDE BALDWIN, WATERMASTER IN 1926. A BRIEF SUMMARY OF COURTS DECISION IS CONTAINED IN A LETTER WRITTEN BY RON CARLSON, WATERMASTER, COPY ATTACHED. COPIES OF DOCUMENTS AND MAP ARE FILED WITH A25-04085.

DURING SOME PERIODS OF THE IRRIGATION SEASON INFLOW INTO THE SLOUGH EXCEEDS THE 44 CFS. RECOGNIZED BY THE COURT DECISIONS.

HISTORICALLY THIS INCREASED FLOW HAS ALSO BEEN DIVERTED AND BENEFICIALLY USED BY THE STOCKHOLDERS. THE PURPOSE FOR THIS NOTICE IS TO RECORD THIS USE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of
_____ Title
Independent Irrigation Co. Organization, that I have signed the foregoing

document in the space below as Secretary of
_____ Title
Independent Irrigation Co. Organization and that the statements contained in the
foregoing document are true and correct.

Jeff Raymond
Signature of Authorized Agent

Secretary Independent Irrigation Co.
Title and Organization

15 April 2002
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 15th

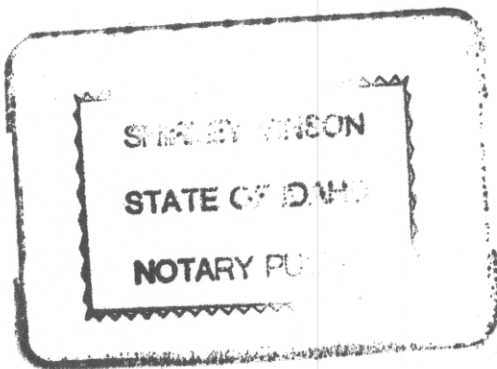
of April 2002

Shirley Vanson

Notary Public

Residing at Rigley, Idaho

My commission Expires 10-5-04



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IN AND FOR THE COUNTY OF TWIN FALLS

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*Mailed
3/19/02
[Signature]*