

RECEIVED

JUN 23 2005

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

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 37-21481
Date Received: 6/22/2005
Receipt No: 50 27766
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM D SCARROW Phone: (208)536-2374
3184 S 1900 E
WENDELL ID USA 83355

2. Date of Priority: 06/17/1902

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
05S	17E	11	NW	NW	LINCOLN	
05S	17E	11	NW	NW	LINCOLN	
05S	17E	11	NW	NW	LINCOLN	

5. Description of diverting works:

Three wells, each with a 5 hp motor pumping from approximately 250 ft into a pressure tank system operating at 50 psi. Two wells in operation at this time.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.03	
STOCKWATER	01/01	12/31	0.16	
DOMESTIC	01/01	12/31	0.16	

7. Total Quantity Appropriated is:
0.16 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
05S	17E	11	NW	NW	DOMESTIC	

NE	NW	STOCKWATER	
NW	NW	STOCKWATER	
SW	NW	STOCKWATER	
SE	NW	STOCKWATER	
NW	NW	IRRIGATION	1.6
SW	NW	IRRIGATION	0.1

Section Acres 1.7

Total Acres 1.7

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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: _____

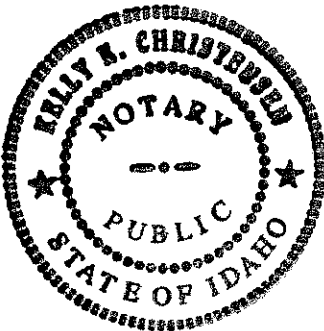
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Jim Dean* Date: 06/22/05
 _____ Date: _____

State of Idaho)
) SS.
 County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 22nd day of June 2005

Kelly K. Christensen
 Notary Public

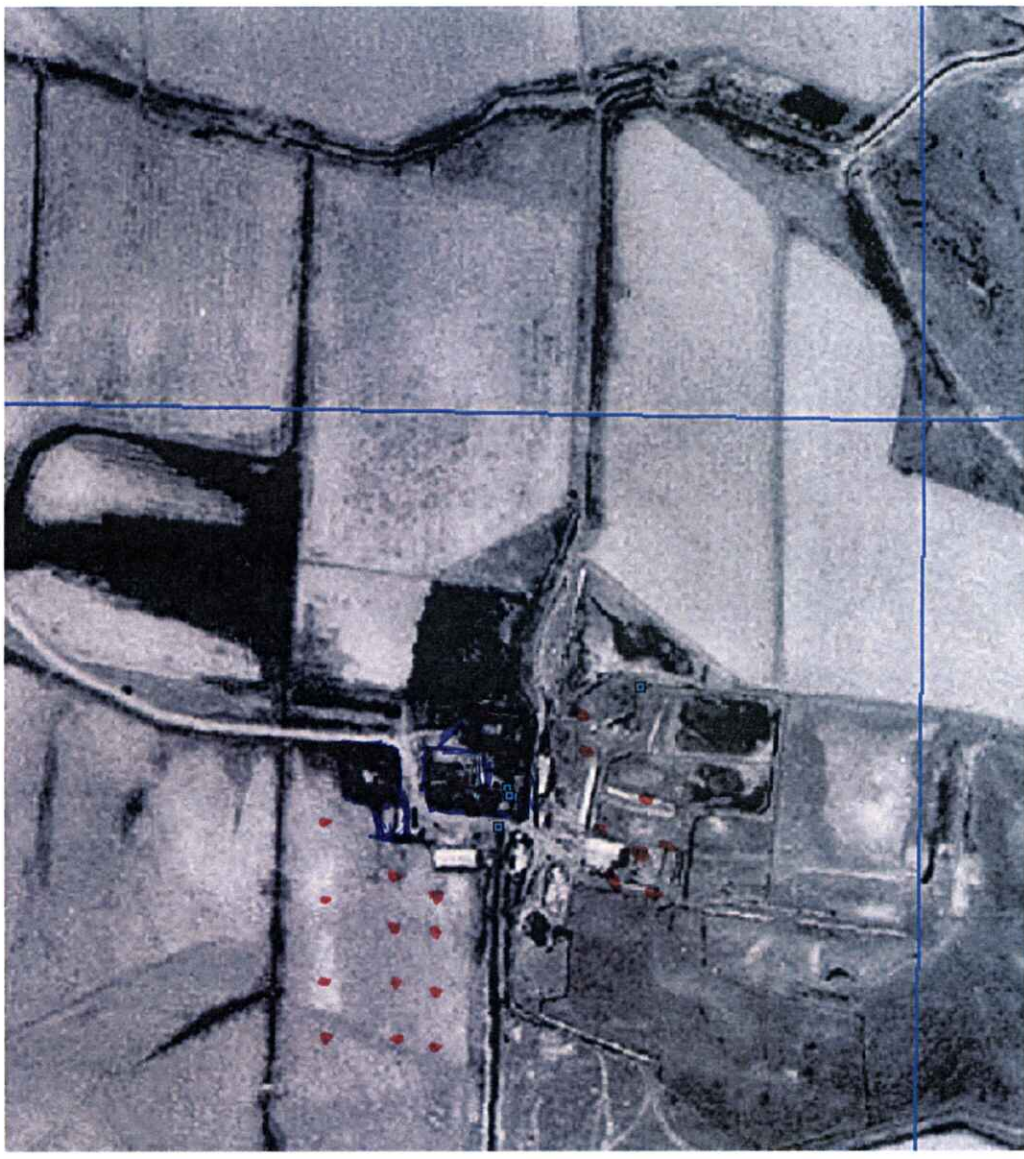


Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

11

37-21481



QUITCLAIM DEED

FLG-25621

MARK L. SCARROW, A SINGLE MAN

Grantor will, with grant, release, and forever Quitclaim unto

JIMMIE D. SCARROW AND CHRISTINE E. SCARROW, HUSBAND AND WIFE
WHOSE ADDRESS IS: 3184 SOUTH 1900 EAST, WENDELL, ID 83355

Herein, for called the grantor, the following described premises, in LINCOLN County, Idaho to-wit:

SEE EXHIBIT "A" ATTACHED.

TO HAVE AND TO HOLD unto said Grantee, with their appropriate heirs and assigns forever.

Dated: OCTOBER 21, 1997

MARK L. SCARROW

STATE OF IDAHO

COUNTY OF LINCOLN

On the 20TH day of OCTOBER, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MARK L. SCARROW, known or identified to me to be the person whose name IS subscribed to the within instrument, and acknowledged to me that HE executed the same.

[Signature]
Notary Public
Residing at BUHL, IDAHO
My Commission expires: 8-21-99

INDEXED

162979

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of <i>James D. Scarrow</i>
OCT 20 1997
at 3:30 minutes past 4 P.M. recorded by <i>[Signature]</i> Fee: \$4.00 Return to: <i>[Signature]</i>

EXHIBIT "A"

TOWNSHIP 5 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 2: SW $\frac{1}{4}$;

Section 3: SE $\frac{1}{4}$, SW $\frac{1}{4}$, EXCEPTING the following described tract situated in the
Southeast corner of the SW $\frac{1}{4}$ said Section 3;

Beginning at the quarter corner common to Sections 3 and 10, Township 5
South, Range 17, East Boise Meridian;
Thence Westerly along the Section line between said Sections 3 and 10, 643.0
feet;

Thence North 39°39' East, 176.7 feet;

Thence North 81°32' East, 529.33 feet;

Thence South 1°18' East, 212.21 feet to THE POINT OF BEGINNING.

AND

NE $\frac{1}{4}$, NW $\frac{1}{2}$, Sec. 10

Section 10: NE $\frac{1}{4}$, NW $\frac{1}{2}$; EXCEPT the following described part thereof:

Beginning at the North quarter corner of Section 10, Township 5 South, Range
17, East Boise Meridian;

Thence Westerly along the North section line of said Section 10, 643.0 feet;

Thence South 39°39' West, 560.0 feet;

Thence South 13°57' East, 124.0 feet;

Thence South 34°43' West, 396.0 feet;

Thence North 82°48' West, 472.0 feet;

Thence South 3°17' West, 236.0 feet;

Thence South 89°22' West, 972.49 feet to the West boundary of Section 10;

Thence Southerly along the West boundary of said Section 10 to the South
boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10;

Thence Easterly along the South boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the East
boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10;

Thence Northerly along the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, 1321.0
feet, more or less, to THE POINT OF BEGINNING.

Section 11: NW $\frac{1}{4}$, EXCEPTING right of way from the NE $\frac{1}{4}$ of Section 10 and the NW $\frac{1}{4}$
of Section 11 above described as conveyed in Deed dated April 3, 1911,
conveying certain strips of land to Idaho Irrigation Company, Limited, a
corporation, of the State of Idaho, recorded in Book 20 of Deeds Page 65,
records of Lincoln County, Idaho.

Waste Water

04/12/2005

Was
3.07 cfs
ch to
0.07 cfs
stock +
Irr - - ?

NOTICE OF ERROR
REPLY

learly, fill out this form completely and mail.

to IDWR by the deadline date printed below if you want IDWR to change your
want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 3, 2005

Water right number: 37-4399

Extended - See Carter

JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355
Telephone Number: (208) 536-2374

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1920 priority, Irr. Amount of Water -

2. Describe the changes you wish to make in the proposed recommendation:

Priority should be Jan 1, 1905, Irr. should be 3.0 cfs
see Affidavits from Paul Bandcroft and Court Records.

3. Give a brief explanation as to why you disagree with these portions:

Affidavits and Court Records have indicated Earlier priority
are use of waste water from fields that were irrigated by
Big Wood Canal. Big Wood Canal Constructed by Ben Darrah

I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: Jim Scarrow

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

Deed indicateds Idaho Irr. Co, Limited Corporation

To Whom It May Concern:

On this date 12/04/02, I, F. F. Gunning,
willingly testify that I was using the water pumped from all existing wells drilled at the
following address and legal description of:

491 North 60 West
Shoshone, Idaho

Legal Description
NW
11-5-17

The water pumped was used to supply water to cattle at the feed lot that I was
commercially operating, together with supplying all water for three (3) homes in the year
of 1945.

Signature: F. F. Gunning

Dated: Dec 4/2002

Witnessed By: Diana Clifton

Dated: 12/4/02

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4399

WATER RIGHT NUMBER: 37-4399

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GARY HILL 5608 MILL STREAM WY BOISE, ID 83714 (208)375-4527
Original Owner	NORMA HILL 505 W 4TH ST SHOSHONE, ID 83352
Current Owner	JIM D SCARROW 3184 S 1900 E WENDELL, ID 83355 (208)536-2374

Priority Date: 06/01/1920

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	3.000 CFS	
STOCKWATER	05/01 to 10/31	0.070 CFS	
	<u>Total Diversion:</u>	3.070 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SE1/4	Sec. 3, Twp 05S, Rge 17E, B.M.
LINCOLN County		

Place of UseIRRIGATION Within LINCOLN County

T05S R17E S03	SESW	0.8	T05S R17E S03	NESE	0.6
T05S R17E S03	NWSE	16.0	T05S R17E S03	SWSE	36.0
T05S R17E S03	SESE	9.2	T05S R17E S10	NENE	1.5
T05S R17E S10	NWNE	31.0	T05S R17E S10	SWNE	0.7

Total Acres: 95.8

STOCKWATER Within LINCOLN County

T05S R17E S03	SESW	T05S R17E S03	NESE
T05S R17E S03	NWSE	T05S R17E S03	SWSE
T05S R17E S03	SESE	T05S R17E S10	NENE
T05S R17E S10	NWNE	T05S R17E S10	SWNE

Conditions of Approval:Remarks:

1. Explanatory USED IN CONJUNCTION WITH BWCC SHARES.

Comments:

553
Recorded at the request of Twin Falls North Side Investment Co., Ltd., this 20th day of January, 1911, at 9 o'clock a. m.

Fees, \$1.65.

Harry W. Anderson,
Ex-officio Recorder,
By J. H. Nelson,
Deputy.

Idaho County
No. 20380.

Mail 03657 "T" W. C. B.
1 Ex.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C.

October 27, 1910.

Charles H. Miles,
Heyburn, Idaho.

(Through Register and Receiver, Hailey, Idaho.)

Sir:

You are advised that the five-year proof submitted by you on Homestead Entry, No. 2890, Serial No. 03657, made July 20, 1904, subject to the Act of June 17, 1902 (32 Stat., 388), for farm unit "F" or E2SW, Section 17 Township 10 S., Range 24 E., Boise Meridian, has been examined in this office and found to be sufficient as to the residence, cultivation, and improvements required by the ordinary provisions of the Homestead law. Further residence on the land is not required in order to obtain patent, and final certificate and patent will issue upon proof that at least one-half of the irrigable area in the entry, as finally adjusted, has been reclaimed, and that all the charges, fees, and commissions due on account thereof have been paid to the proper receiving officer of the Government.

Very respectfully,

Fred Dennett,
Commissioner.

WEM

Recorded at the request of Commercial Bank this 1st day of February, 1911, at 9 o'clock a. m.

10-5-17

Harry W. Anderson,
Ex-officio Recorder,
By Alice Clarke,
Deputy.

Fees, \$0.65.

Lincoln County

No. 20429.

IN THE PROBATE COURT
OF THE COUNTY OF LINCOLN, STATE OF IDAHO.

In the Matter of the Estate of)
George Byron Novinger)
Deceased)

DECREE OF DISTRIBUTION OF ESTATE.

Leonora G. Novinger and Fred W. Seeding, the executors of the estate of George Byron Novinger deceased, having on the 24th day of December, 1910, filed in this Court their petition, setting forth, among other matters, that their accounts have been finally settled and said estate is in a condition to be closed, and that a portion of said estate remains to be

divided among the devisees of said deceased, said matter coming on regularly to be heard this 31st day of December, 1910, upon the proof that due and legal notice of such hearing had been given as directed by the order of this Court heretofore made; the said executors appearing by their counsel, Johnson & Haddock this Court proceeded to the hearing of said petition; and it appearing, to the satisfaction of this Court, that the residue of said estate, consisting of the property hereinafter particularly described, is now ready for distribution, and that said estate is now in a condition to be closed;

That the said estate is real and personal property, situate in Lincoln County, Idaho

That the said George Byron Novinger died estate, in the County of Lincoln State of Idaho on the day of July 1909, and his only heirs at law are Leonora G. Novinger, his widow, and Byron Frederick Novinger, his son, but the said George Byron Novinger left a will which was duly admitted to Probate, that due notice to his creditors was published as required by law and the time for filing claims has fully expired.

That all claims against said estate are fully paid; that all taxes due from said estate have been paid; that since the rendition of their said final account, the sum of no Dollars has come into the hands of said executors and the sum of no Dollars has been expended by said executors as necessary expenses of administration, the vouchers whereof, together with a statement of such receipts and disbursements, are now presented and filed, and the payments are approved by this Court; and that the estimated expenses of closing said estate will amount to the sum of Twenty-six and forty-five/100 (26.45) Dollars.

That the said Leonora G. Novinger is entitled to all of the residue of said estate after the payment of a specific legacy in the sum of Ten Thousand Dollars to Byron Frederick Novinger or his legally appointed guardian.

Now, on this, the said 31st day of December, 1910, on motion of Johnson & Haddock Esq., counsel for said executors

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the residue of said estate, of George Byron Novinger deceased, hereinafter particularly described, and now remaining in the hands of said executors and any other property not now known or discovered, which may belong to said estate, or in which the said estate may have an interest, be and the same is hereby distributed as follows, to wit:

First, that there be paid to Fred W. Gooding as guardian of and for the benefit of Byron Frederick Novinger, a minor, the sum of Ten Thousand Dollars in cash.

Second, that all of the residue of said estate shall be distributed to Leonora G. Novinger.

The following is a particular description of said residue of said estate referred to in this decree, and of which distribution is ordered, adjudged and decreed as aforesaid, to wit:

An undivided one-half interest in 9000 sheep, together with all camp outfits, wagons and horses. One hundred ninety-two (192) shares of stock, each of the par value of One Dollar, in the Ketchikan Live Stock Association.

An undivided one-half interest in fifteen shares of stock, represented by certificate numbered 245, evidencing the deposit thereof, said shares of stock being in the National Wool Warehouse & Storage Company.

An undivided one-half interest in the following described lands: S $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 2

and $N\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 14, all bein. in township 5 south, range 17 east B. M., and a sole and entire interest in the following lands: S $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 15 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 14, all bein. in township 5 south, range 17 east B. M. E $\frac{1}{2}$ section 10, township 5 south, range 17 east, B. M. and Lot 2 of section 3 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 3, township 5 south, range 17 east, B. M. An undivided one-half interest in and to Lot No. 20 in Block No. 14 of the Village of Shoshone, Lots 1, 2, 3 and 4, in Block 15 and improvements of the Village of Shoshone, together with all and singular those certain water rights appurtenant to the aforesaid lands, including certificates No. 824, 545, 546, 547, 711, 1387, 1388, 710, 1382, 1383 in the Big Wood River Reservoir and Canal Company, Limited.

Done in open Court December 31st, 1910.

J. L. Fuller
Probate Judge.

(P. C. Seal)

State of Idaho)
) ss
County of Lincoln)

I, J. L. Fuller, Judge of the Probate Court in and for said county, who executed the decree in the estate of George Byron Novinger, deceased, do hereby certify that the within is a full, true and correct copy of said decree, now on file in the records of this office.

J. L. Fuller
Judge.

(P. C. Seal)

Recorded at the request of T. Platt Williams this 3rd day of February, 1911, at
2 o'clock p. m.

Harry W. Anderson,
Ex-officio Recorder,
By Alice Clarke,
Deputy.

Fees, \$2.00.

Pauls Old Road 6 North 3 East

BEN DARRAH Middle Ranch

1911 North Gading Canal was finished
Ben Darrah built canal too high didn't work
Approx 1911 Canal Co rebuilt.

Morrison Knutson Built Canal Paul's brother
herded horses for the builders moving dirt
with horses men received \$14 a day for
building canal Ben Darrah owned upper middle
& lower ranches Hill Ranch was middle ranch
Ben was very important man in Lincoln county
Ben Darrah had between 3 & 4 bands of sheep
a band being 1000 hd. or more each in 1911

Paul moved to his place in 1939, Born in Bliss on
Bancroft & Springs named after Dad ~~Paul~~ Paul
will be 96 July 10, 2005 Paul moved to
Shoshone in 1924. Brother worked for Ben,
Darrah hired 25-30 men to water & farm.

still had to buy more hay to feed sheep & cattle.

Indian Joe lived in cave above springs came
to visit once in a while. Indian had 2 wives,
1 was sick, was put on trial for helping wife die
from tea made from wild parsnip. Indian Joe could
shear 100 sheep a day with hand shears.

They built RR in 1884 ranches settled before
1884. Used water from ~~water~~ Wood River before 1911
canals when canal was built. Paul makes these
statements according to his memory of his early years.

Paul worked for U.S. Forest Service from 1929-1939.
Paul Bonchif 6/04/05