

COPY

2006 FEB -8 PM 12: 02

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	Subcase No. <u>37-795, 37-796,</u>
	)	<u>37-798, 37-3155, 37-7559</u>
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

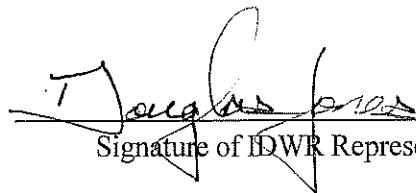
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2/8/06



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/8, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Jim D Scarrow
3184 S 1900 E
Wendell ID 83355

Michael Fleming
17826 Hwy 30
Bliss ID 83314



Signature of person or attorney mailing the form

01/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-795

NAME AND ADDRESS: JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER
SOUTH FORK BIRCH CREEK TRIBUTARY: BIRCH CREEK

QUANTITY: 0.700 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/30/1878

POINT OF
DIVERSION: T06S R13E S34 NWSESE Within GOODING County
T06S R13E S35 NESWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	03/15 11/15	0.700 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S34	NESE	2.60	T06S R13E S34	SESE	32.00
T07S R13E S02 Lot 2	SWNE	6.10	T07S R13E S02 Lot 1	SENE	7.90

STOCKWATER Within GOODING County

T06S R13E S34 SESE

48.6 ACRES TOTAL

Right nos. 37-795, 37-796 and 37-798 are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season.

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

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-3155

NAME AND ADDRESS: JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

SOURCE: SOUTH FORK BIRCH CREEK

TRIBUTARY: BIRCH CREEK

QUANTITY: 0.500 CFS

PRIORITY DATE: 05/14/1934

POINT OF

DIVERSION: T06S R13E S35 NESWSW Within GOODING County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.500 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S34	NESE	2.60	T06S R13E S34	SESE	32.00
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T07S R13E S02 Lot 2 SWNE	6.10	T07S R13E S02 Lot 1 SENE	7.90
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STOCKWATER same as IRRIGATION

48.6 ACRES TOTAL

This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.

Right nos. 37-795, 37-796, 37-798 and 37-3155 are limited to the irrigation of a combined total of 48.6 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

01/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7559

NAME AND ADDRESS: JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

SOURCE: UNNAMED STREAM

TRIBUTARY: BIRCH CREEK

QUANTITY: 10.000 CFS

PRIORITY DATE: 02/08/1977

POINT OF

DIVERSION: T06S R13E S34 SESE Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

FISH PROPAGATION

1/01 12/31

10.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

T06S R13E S34

SESE

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

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

February 8, 2006

KARL J. DREHER
Director

JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

RE: SRBA Claim(s) 37-795, 37-796, 37-798, 37-3155, 37-7559

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Michael Fleming
17826 Hwy 30
Bliss ID 83314

RECEIVED

JAN 11 2006

Form 42(246/42-14086) July 2000

Department of Water Resources
Southern Region

RECEIVED

JAN 05 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-795	→	—	36-15094	P. D.	—
37-796	→	—	36-10466	P. D.	—
37-798	→	—	37-10993	P. D.	—
37-3155	→	—			—
37-7559	→	—			—

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

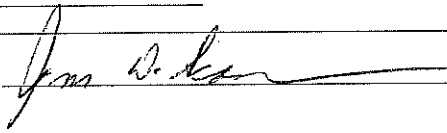
3. Name and Address of Former Owner/Claimant(s) Michael J. Fleming
17826 HWY 30 Bliss, ID 83314
4. New Owner/Claimant(s) JIM D. SCARROW
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3184 South 1900 East
- City, State and ZIP Code Wendell, ID 83355
- New Telephone Number (208) 536-5739
5. Date you acquired the property December 30, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

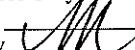
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by 	Date <u>1-5-06</u>	Fee <u>\$225.00</u>
Received by _____	Date _____	Receipt No. <u>2079978</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

#G-34842

For Value Received

MICHAEL JOSEPH FLEMING, an unmarried man

also shown of record as Michael J. Fleming

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

JIM D. SCARROW, an unmarried man ,

Address: 3184 South 1900 East Wendell, Id 83355

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:

Instrument # 214435

GOODING, GOODING, IDAHO

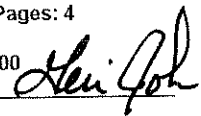
2005-12-30 03:18:31 No. of Pages: 4

Recorded for : LAND TITLE JEROME

HELEN EDWARDS

Fee: 12.00

Ex-Officio Recorder Deputy



SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right #37-795, #37-796, #37-3155, #37-798, 37-7559, 36-15094 36-10466 and #37-10993

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The 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 above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 29, 2005

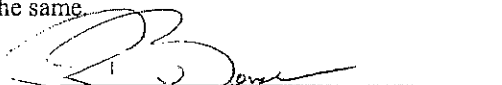

MICHAEL JOSEPH FLEMING

STATE OF IDAHO)

) ss.

COUNTY OF JEROME)

On this 29 day of **December, 2005**, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL JOSEPH FLEMING**, 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


Notary Public

ORDER NUMBER: G-34842

EXHIBIT A

TRACT I

TOWNSHIP 6 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 34: The South 12 rods of the SE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 2: That part of Lots 1 and 2 described as follows:

Beginning at the Southeast corner of said Lot 2;
Thence West along the South boundary line of said Lot, 7.8 chains to the East boundary
of the Hagerman-Bliss Highway;
Thence North along said East boundary, 6.63 chains to THE TRUE PLACE OF
BEGINNING;
Thence North 86°37' East 3.71 chains;
Thence North 70°37' East 3.34 chains;
Thence North 84°28' East 1.21 chains;
Thence South 67°22' East 1.23 chains;
Thence South 8°00' East 1.7 chains;
Thence South 36°07' East 7.6 chains to South boundary of Lot 1 of Section 2, said
Township and Range;
Thence East along the South boundary line of said Lot 1 to the Southeast corner thereof;
Thence North along the East boundary line of said Lot 1 to the Northeast corner thereof;
Thence West along the First Standard Parallel South, 27.56 chains;
Thence South on a line parallel to the East line of said Lot 2, to the said TRUE PLACE
OF BEGINNING.

EXCEPT Hagerman-Bliss U.S. Highway 30.

AND EXCEPT a parcel of land being on both sides of the center line of U.S. Highway
30 Project No. F-2361 (18) Highway Survey as shown on the plans thereof now
on file in the office of the Department of Highways of the State of Idaho, and lying
over and across the South 198.0 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 6
South, Range 13 East of the Boise Meridian and portion of Government Lot 2
of Section 2, Township 7 South, Range 13 East of the Boise Meridian, described
as follows:

CONTINUATION

ORDER NUMBER: G-34842

Beginning at a point being the intersection of the Easterly Right of Way line of existing U.S. Highway 30, and the North line of the South 198.0 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, Township 6 South, Range 13, East Boise Meridian approximately 198.0 feet North and 1295.0 feet West from the Southeast corner of said Section 34; Thence East along the North line of the South 198.0 feet of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, 25.0 feet, more or less, to a point in a line parallel with and 50.0 feet East from the center line of said U.S. Highway 30, Project No. F-2361 (18) Highway Survey;

Thence along said parallel line as follows: South 0°40'00" West, 133.0 feet more or less to a point opposite Station 219+47.57 Back equals 219+47.10 Ahead a point of spiral curvature of said Highway Survey, Southerly along a spiral curve left having a central angle of 1°52'30" a distance of 248.36 feet to a point opposite Station 221+97.10, a point of circular curvature of said Highway Survey, Southeasterly along a 3769.72 foot radius curve left, 443.0 feet more or less to a point on a Southerly boundary of the above parcel;

Thence Westerly, leaving said parallel line, along said Southerly boundary 73.0 feet, more or less, to a point in the Easterly Right of Way line of said existing U.S. Highway 30;

Thence Northerly along said existing Highway Right of Way line 810.0 feet more or less to THE POINT OF BEGINNING.

NOTE: The bearing as shown in the above exception unless otherwise noted, are from the Idaho Plane Coordinate System, based on the transverse mercator projection for the Central Zone of Idaho. To convert to geodetic bearings, a correction of 0°36'30" must be subtracted from all Northeast and Southwest bearings and added to all Northwest and Southeast bearings.

As set forth in Case no. 10316 Second Judgement and Decree of Condemnation recorded March 17, 1964, as microfilmed Instrument No. 10853.

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 1: That part of Lot 4 which lies below the rimrock:

CONTINUATION

ORDER NUMBER: G-34842

TRACT II

TOWNSHIP 6 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 35: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 34: Part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ more particularly described as follows:

Beginning at a point 12 rods North of the Southeast corner of Section 34;

Thence North 74 rods;

Thence West 80 rods to the West boundary line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34;

Thence South 74 rods;

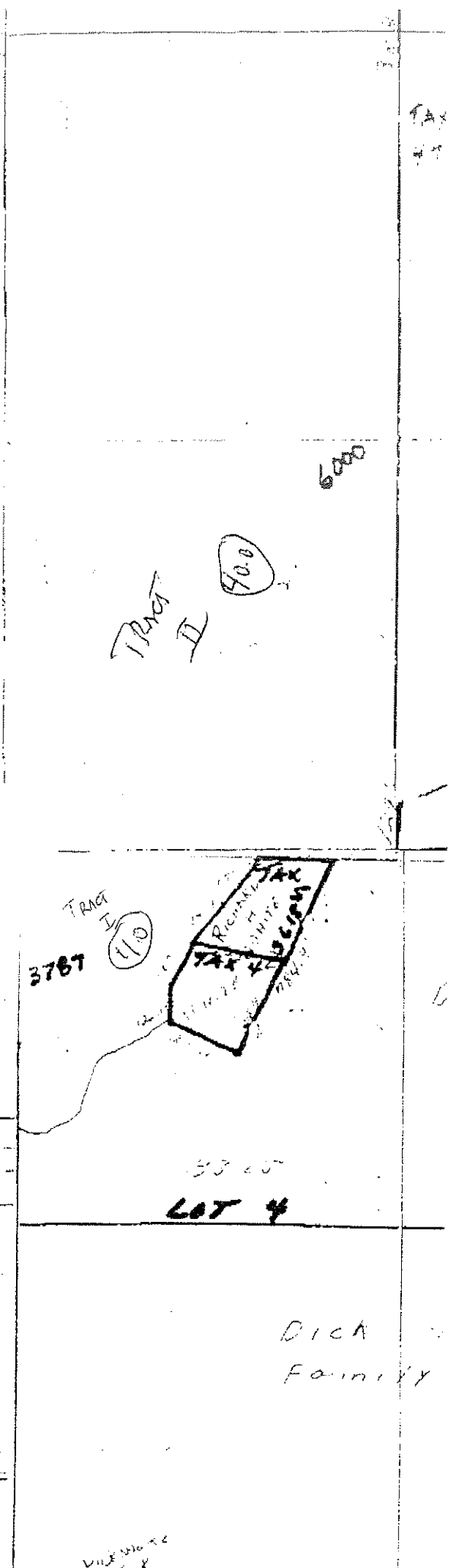
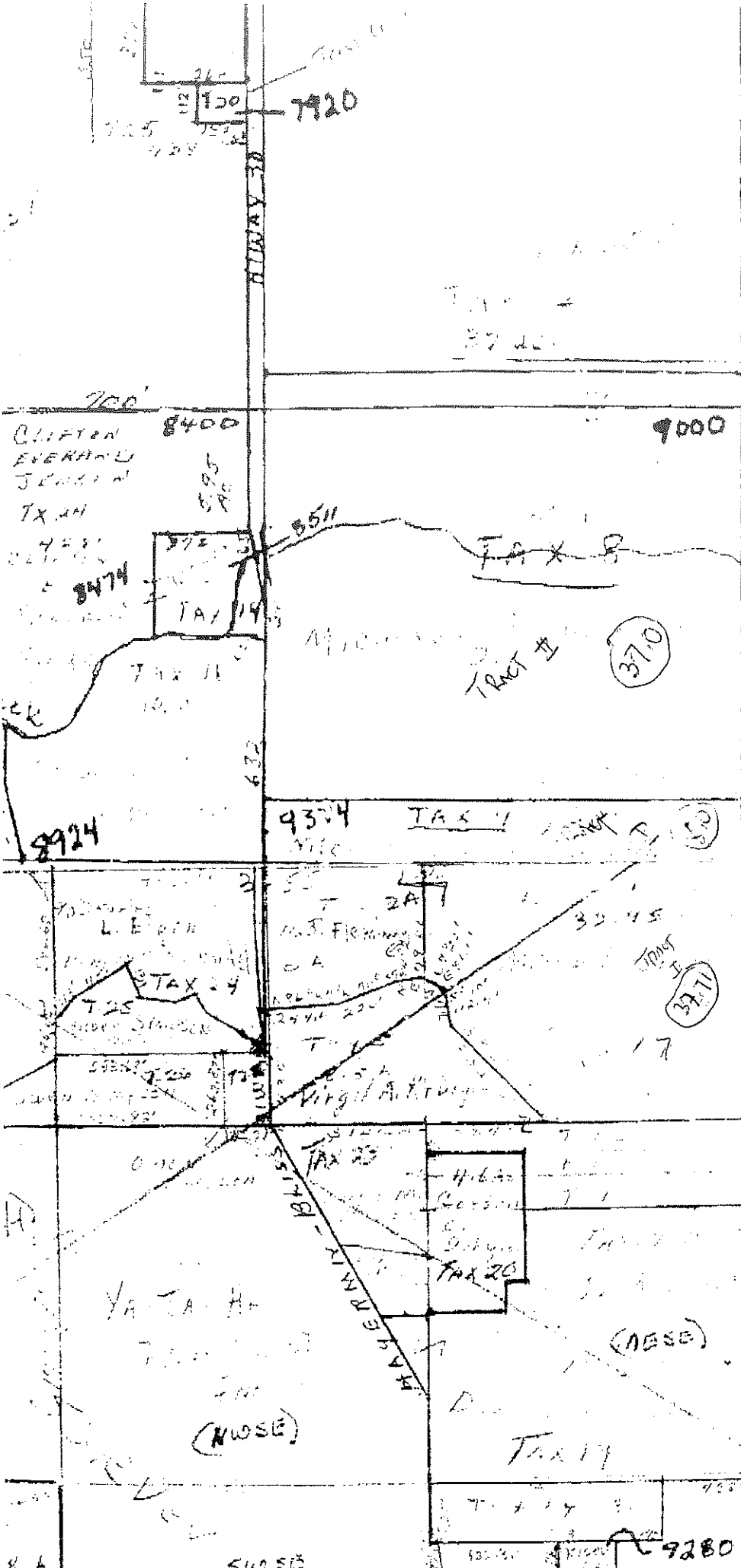
Thence East 80 rods to the place of beginning.

EXCEPT Hagerman-Bliss U.S. Highway 30.

AND EXCEPT that part for highway purposes as set forth Second Judgement and Decree of Condemnation dated March 17, 1964 recorded March 17, 1964 as microfilmed No. 10854.

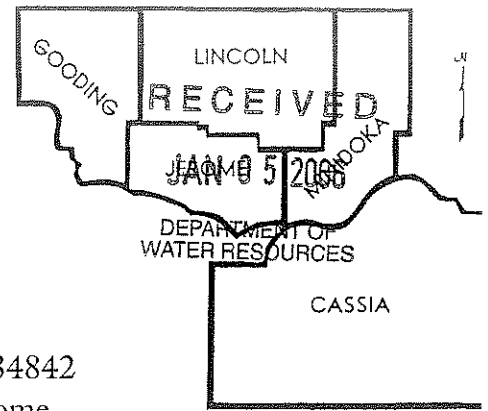
IN THE COUNTY OF GOODING, STATE OF IDAHO

End of Exhibit 'A'



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: G-34842
OFFICE: Jerome

December 30, 2005

Idaho Dept. of Water Resources
Attn: Karilynn Townsend
P. O. Box 83720
Boise, ID 83720-0098

Dear Karilynn:

Enclosed please find cashiers check # 61000929 in the amount of \$225.00, which represents the transfer fee due on the enclosed Change of Ownership. Also enclosed is a copy of the recorded Warranty Deed along with a copy of the plat map for your reference.

If you have any questions, please do not hesitate to contact our office at (208) 324-3357.

Sincerely,

LAND TITLE AND ESCROW, INC.

DeNene M. Dixon
Escrow Assistant