

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

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 63-5242
Date Received: 7/11/1989
Receipt No: W003563
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHARON R SCOTT
PO BOX 846
MERIDIAN ID USA 83680-0846

Phone: (208)888-2545

THERON G SCOTT
PO BOX 846
MERIDIAN ID USA 83680-0846

Phone: (208)888-2545

2. Date of Priority: 03/15/1920

3. Source: WASTE WATER

Trib. to: TENMILE DRAIN DITCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01W	27	SE NE	ADA	

5. Description of diverting works:

DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
2 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
03N	01W	27	NE	NE		IRRIGATION	9
			NW	NE		IRRIGATION	24
			SW	NE		IRRIGATION	2
			SE	NE		IRRIGATION	9
						Section Acres	44
						Total Acres	44

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Address change by DB 4/5/2004

15. Basis of Claim: Statutory Claim

*done
D. Gagnon*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 25 2006

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 63-5242

[] Name(s): Theron Scott
Sharon Scott

[] Old Mailing Address: 3985 W. Victory
Meridian IDA
83642

[] New Mailing Address: P.O. Box 846
Meridian IDA.
83680 - 0846

Telephone Number: (208) 888-2545

SCANNED
OCT 03 2006

[] Signature(s) of Owner(s) Theron Scott

(Include your title if on behalf of company or organization)

Date: 4-25-06

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

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 63-5242
Date Received: 7/11/1989
Receipt No: W003563
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHAREN R SCOTT
3985 W VICTORY RD
MERIDIAN ID USA 83642

Phone: (208)888-2545

THERON G SCOTT
3985 W VICTORY RD
MERIDIAN ID USA 83642

Phone: (208)888-2545

2. Date of Priority: 03/15/1920

3. Source: WASTE WATER Trib. to: TENMILE DRAIN DITCH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	01W	27	SE	NE		ADA	

5. Description of diverting works:

DITCHES, GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
2 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
03N	01W	27	NE	NE		IRRIGATION	9
			NW	NE		IRRIGATION	24
			SW	NE		IRRIGATION	2
			SE	NE		IRRIGATION	9
						Section Acres	44
						Total Acres	44

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Address change by DB 4/5/2004

15. Basis of Claim: Statutory Claim

RECEIVED

APR 05 2004

WATER RESOURCES
WESTERN REGION

SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Claim Number(s):

63-5242

63-16446

~~63-16266~~

This
one sold

Now Bear Creek

or
Greg Johnson

Previous Mailing Address:

670 W VICTORY
MERIDIAN IDAHO
83642

New Mailing Address:

3985 W VICTORY
MERIDIAN IDAHO
83642

Theron + Sharen
Scott

Telephone Number:

(208) 888-2545

Signature of Claimant(s):

Theron Scott

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

3N1W

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

A63-5242

Previous Mailing Address:

670 West Victory Road
Meridian ID 83642

RECEIVED

OCT 06 2003

WATER RESOURCES
WESTERN REGION

New Mailing Address:

3985 West Victory Rd
Meridian ID 83642

Theron + Sharon
Scott

Telephone Number:

(208) 888-2545

Signature of Claimant(s):

Theron L Scott
Sharon Scott

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Attn. Kimberly Brown
Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

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

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: A63-05242
Date Received: 7/11/1989
Receipt No: W003563
Received By: Rch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THERON G. SCOTT 208-888-2545
Address: 670 W. VICTORY RD.
MERIDIAN, ID 83642
OR
Name: SHAREN R. SCOTT 208-888-2545
Address: 670 W. VICTORY RD.
MERIDIAN, ID 83642
2. Date of Priority: MAR 15, 1920
3. Source: WASTE WATER Trib. to: TEN MILE DRAIN DITCH
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	01W	27	SE	NE			ADA
5. Description of diverting works:
DITCHES, GRAVITY FLOW.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		
7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	01W	27	NE		NE		IRR	9.0
			NW		NE		IRR	24.0
			SW		NE		IRR	2.0
			SE		NE		IRR	9.0
							Section Acres	44.0
							Total Acres	44.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
POSSIBLE REINSTATED PERMIT # 63-08493

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Theron B. Bled* Date: 7-11-89

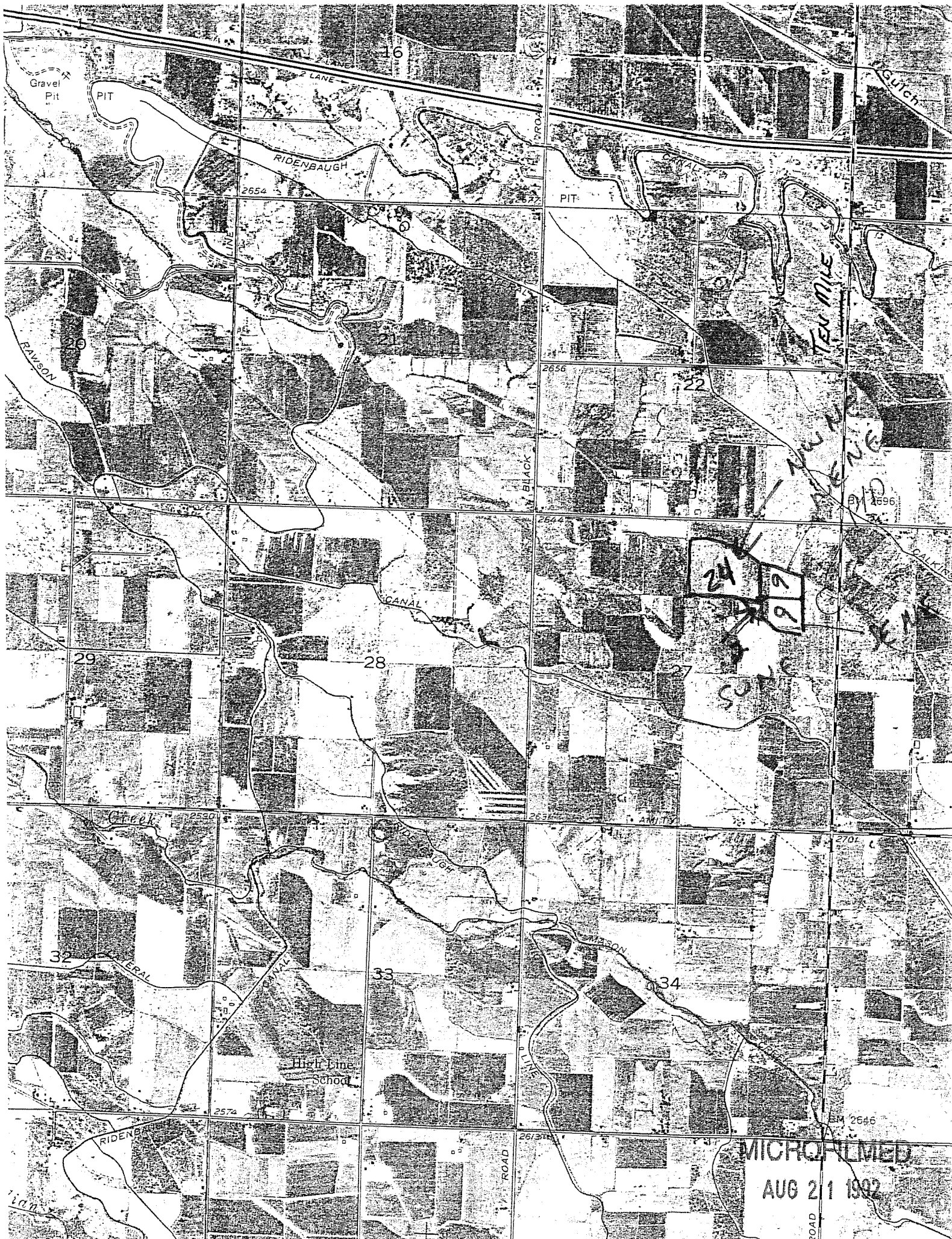
Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of July 19 89 *Ron Howerton*
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994



MICROFILMED

AUG 21 1992

2007 SEP 17 PM 2 46

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) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-05242

I. FINDINGS OF FACT

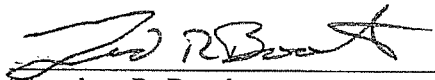
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On August 16, 2006, the New York Irrigation District filed an amended objection to the *Director's Report* regarding the waste water nature of the water right. On September 11, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-05242 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated September 17, 2007


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-05242

2007 SEP 17 PM 2 46

NAME AND ADDRESS: SHARON R SCOTT
THERON G SCOTT
PO BOX 846
MERIDIAN, ID 83680-0846

SOURCE: WASTE WATER TRIBUTARY: TENMILE DRAIN DITCH

The source of this water right is waste water. The wasting of
water may be discontinued at any time.

QUANTITY: 0.88 CFS

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION: T03N R01W S27 NENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.88 CFS

PLACE OF USE:	Irrigation		Within Ada County
	T03N R01W S27	NENE 9.0	NWNE 27.0
		SWNE 1.0	SENE 7.0
	44.0 Acres Total		

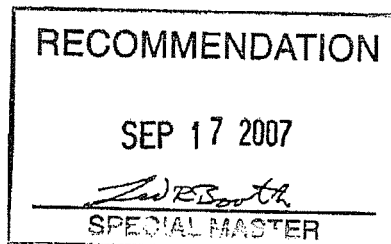
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

2007 SEP 17 PM 2 46

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)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

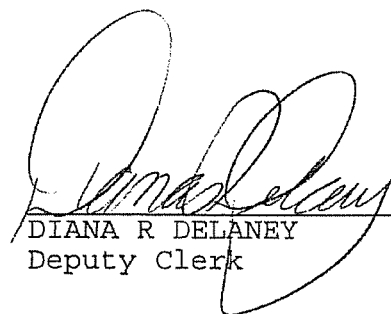
Water Right(s): 63-05242

On September 17, 2007, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 17, 2007.



DIANA R DELANEY
Deputy Clerk

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

2007 SEP 17 PM 2 46

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)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-05242

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 17, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

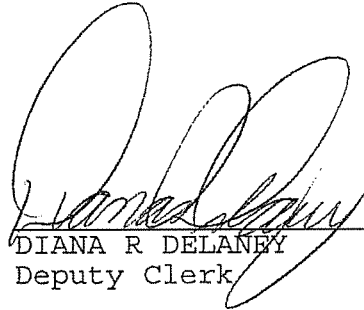
Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

CERTIFICATE OF MAILING

PAGE 1
09/17/07

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SHARON R SCOTT
THERON G SCOTT
PO BOX 846
MERIDIAN, ID 83680-0846
Phone: 208-888-2545



DIANA R DELANEY
Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

September 10, 2007

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

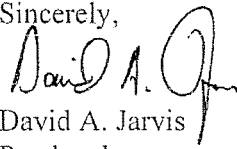
Re: SRBA Case No. 39576
Subcase No. 63-05242

Dear Ms. Delaney:

Enclosed for filing in the above listed subcase is the following document.

1. **STANDARD FORM 5 – STIPULATED ELEMENTS OF A WATER RIGHT.**

Sincerely,


David A. Jarvis
Paralegal

Enclosure

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

Case No. 39576

Subcase No. 63-5242

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Sharon & Theron Scott

OBJECTOR(s):

New York Irrigation District

Sharon Scott 8-29-07
claimant Date

Theron Scott 8-29-07
claimant Date

Charles F McDevitt 8/6/07
Charles F McDevitt Date

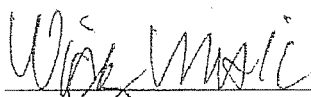
RESPONDENT(s):

USDI-BOR

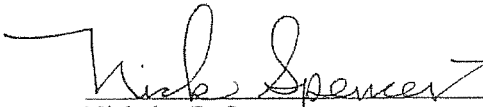


David W. Gehlert 9/10/07
Trial Attorney Date

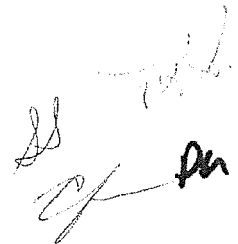
IDWR Concurrence:



Vicky Music 8/1/2007
Senior Water Resource Agent Date



Nicholas B. Spencer 8-1-07
Deputy Attorney General Date
Attorney for IDWR



CERTIFICATE OF MAILING

I certify that on SEPT. 10, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Charles F McDevitt
420 W Bannock St
PO Box 2564
Boise, ID 83701

Kendal A McDevitt
405 S Eighth St, Ste 202
Boise, ID 83702

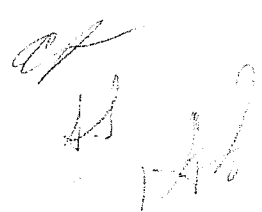
USDI-BOR
US Dept of Justice
Environment & Nat'l Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Sharon & Theron Scott
PO Box 846
Meridian, ID 83680-0846

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form



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

RIGHT NUMBER: 63-5242

NAME AND ADDRESS:

SHARON R SCOTT
PO BOX 846
MERIDIAN ID 83680-0846
THERON G SCOTT
PO BOX 846
MERIDIAN ID 83680-0846

SRD
TRD
DL

SOURCE:

Source:

WASTE WATER

Tributary:

TENMILE DRAIN DITCH

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY:

0.880 CFS

0.000 APY

SRD
VLM
NBS
DL

PRIORITY DATE:

03/01/1920

POINT OF DIVERSION:

T03N R01W S27 NENE
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.880 CFS

PLACE OF USE:

IRRIGATION

within ADA County

T03N R01W S27 NENE 9.0

T03N R01W S27 NWNE 27.0

T03N R01W S27 SWNE 1.0

T03N R01W S27 SENE 7.0

44 ACRES TOTAL

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 - Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 1, 2007

Charles F McDevitt
420 W Bannock St
PO Box 2654
Boise, ID 83701

RE: Subcase Nos. 63-4815, 63-5242 & 63-18441

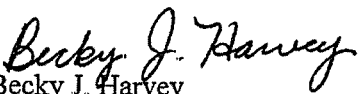
Dear Mr. McDevitt:

Pursuant to the SRBA District Court hearing held yesterday, enclosed please find documents entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5s) which have revised recommendations with the waste water remark added.

Please review the recommendations, which are attached to the SF 5s, then sign and date the originals and **initial the changes** on the pages entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please forward the SF 5s to the claimants for each subcase for their signatures and initials, requesting that the documents be sent to Dave Gehlert at the USDI-BOR.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,


Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Vicky Music, Western Region

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

RIGHT NUMBER: 63-5242

NAME AND ADDRESS:

SHARON R SCOTT
PO BOX 846
MERIDIAN ID 83680-0846

THERON G SCOTT
PO BOX 846
MERIDIAN ID 83680-0846

SOURCE: Source: Tributary:
WASTE WATER TENMILE DRAIN DITCH

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.880 CFS
0.000 AFY

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION:

T03N R01W S27 NENE
Within ADA County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	03/01 11/15	0.880 CFS

PLACE OF USE: IRRIGATION within ADA County
T03N R01W S27 NENE 9.0
T03N R01W S27 NWNE 27.0
T03N R01W S27 SWNE 1.0
T03N R01W S27 SENE 7.0

44 ACRES TOTAL

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 - Beneficial Use
Use of this right is combined with water from Boise-Kuna Irrigation District.

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

Use of this right is combined with water from Boise-Kuna Irrigation District.



Idaho Department of Water Resources

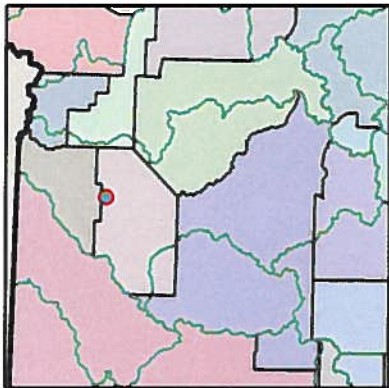
SRBA Recommendation:

63-5242

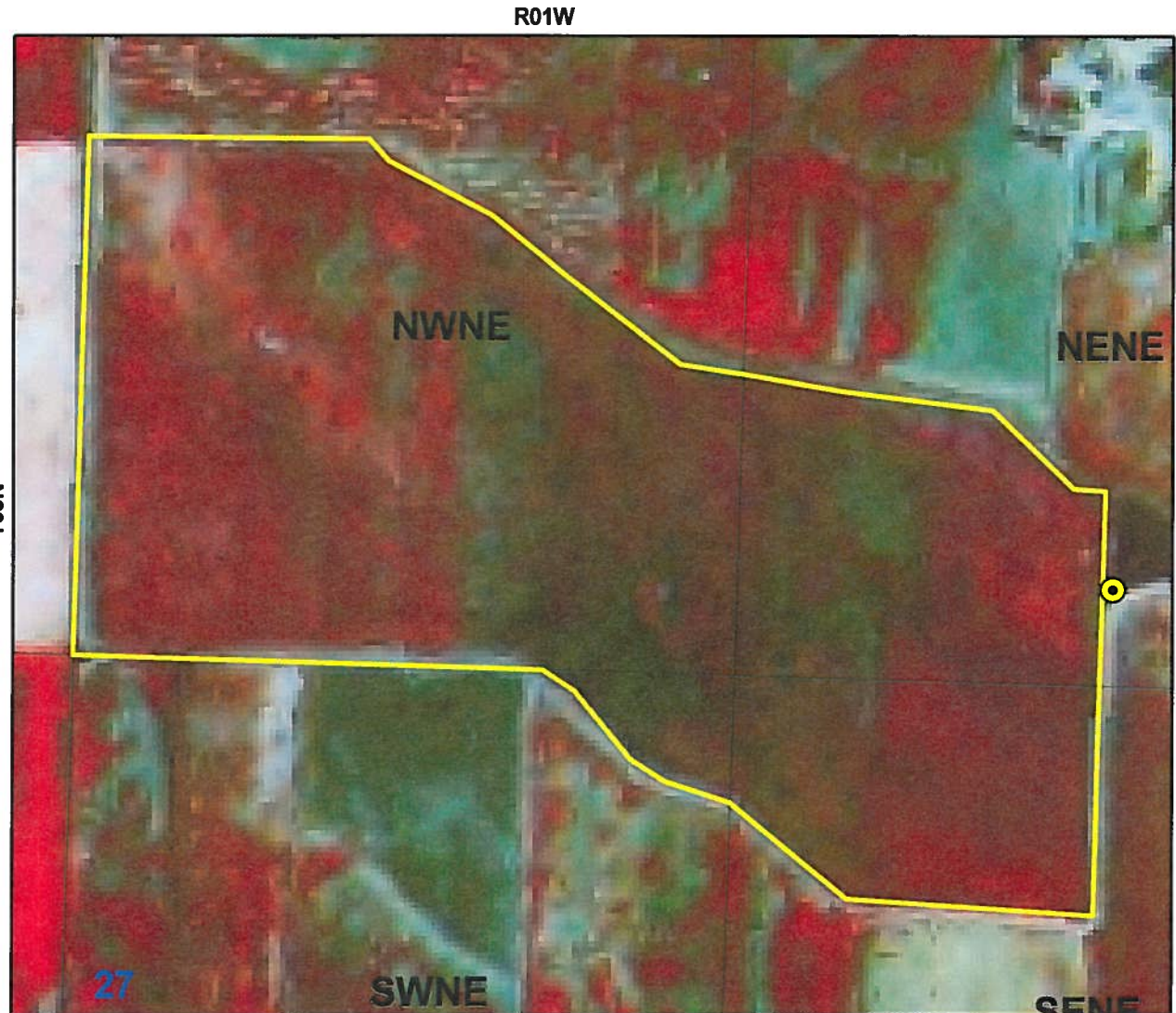
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by K. Walker
On Wednesday, August 1, 2007
1987/88 Aerial Photography

Brown, Kimberly

From: Brown, Kimberly
Sent: Friday, December 08, 2006 8:42 AM
To: 'dlash@srba.state.id.us'
Subject: 63-5242

After the Initial Hearing held on Dec. 7, 2006, Mr. Theron Scott agreed to provide the following information in order to contact him regarding the telephonic Status Conference set for April 10, 2007 at 10:00 a.m.

Sharon and Theron Scott's **email address:** sscott15@msn.com

Their telephone number in Mazatlan, Mexico: **#475-3974** (verified this is correct - no area code)

Kimberly Brown
IDWR-Western Region

**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

Case No. 39576

A. Subcase 63-5242

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation:
☒ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

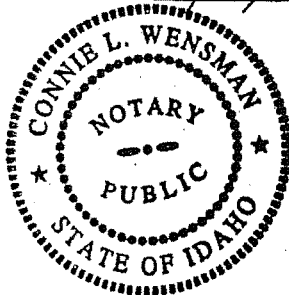
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Sharon R. Scott
Address: 3985 W. Victory Road
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

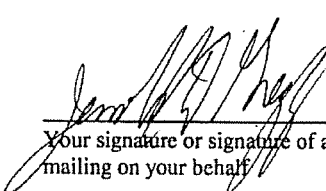
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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


Your signature or signature of attorney
mailing on your behalf

**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)

Case No. 39576)

A. Subcase 63-5242

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

10. Recommendation

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

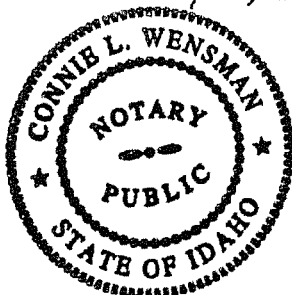
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

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

2. One copy to the claimant of the water right at the following address:

Name: Sharon R. & Theron G. Scott
Address: 3985 W. Victory Road
Meridian, ID 83642

3. One copy to the party who filed the objection at the following address:

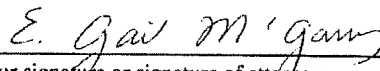
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

2006 AUG 16 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

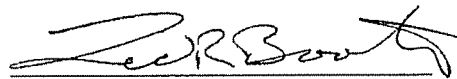
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	) Subcase 63-05242
	)
Case No. 39576	) ORDER GRANTING MOTION TO
	) AMEND STANDARD FORM 1
_____	) OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NAMPA AND MERIDIAN

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

SHARON R SCOTT
THERON G SCOTT
3985 W VICTORY RD
MERIDIAN, ID 83642
Phone: 208-888-2545

COPY

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

RECEIVED

APR 24 2006

DEPARTMENT OF
WATER RESOURCES

In Re SRBA) A. Subcase 63-5242
(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Sharon R. Scott
Theron G. Scott
Address: 3985 W. Victory Rd.
Meridian, ID 83642

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☒ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

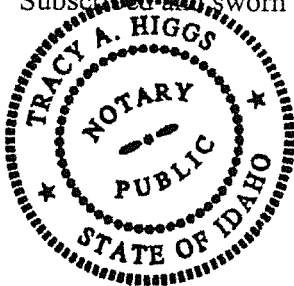
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on:

4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 21st, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Sharon R. Scott
Theron G. Scott
Address: 3985 W. Victory Rd.
Meridian, ID 83642

3. Copies to:

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PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Heather Houle, Legal Assistant
McDEVITT & MILLER LLP

RECEIVED
7/22/2003
DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

A. Subcase 63-5242

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Sharon R. Scott

Address: 3985 W. Victory Rd
Meridian, Idaho 83642

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X This water right should not exist.

 ☐ This water right was not recommended, but should be
 recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

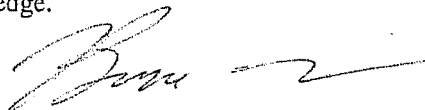
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

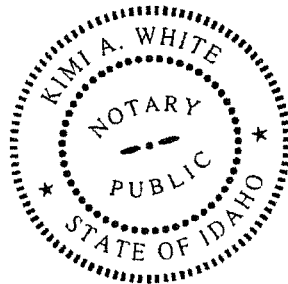
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2006





Notary Public for Idaho
Residing at: Bain, Idaho
My Commission Expires: 04/21/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the Claimant of the water right at the following address:

Name: Sharon R. Scott

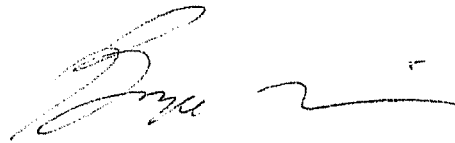
Address: 3985 W. Victory Road
Meridian, Idaho 83642

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-5242

SHARON R SCOTT
3985 W VICTORY RD
MERIDIAN ID 83642
Telephone Number: (208)888-2545

THERON G SCOTT
3985 W VICTORY RD
MERIDIAN ID 83642
Telephone Number: (208)888-2545

RECEIVED

JUN 13 2005

WATER RESOURCES
WESTERN REGION

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

my name is spelled SHARON R SCOTT

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

I Fixed her
name.

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

LH

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

DATE: 6-14-05

SIGNATURE: Sharon R Scott

Please print your name: Sharon R Scott

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

04/26/2005

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

RIGHT NUMBER: 63-5242

NAME AND ADDRESS: SHAREN R SCOTT
3985 W VICTORY RD
MERIDIAN ID 83642

THERON G SCOTT
3985 W VICTORY RD
MERIDIAN ID 83642

SOURCE: WASTE WATER

TRIBUTARY: TENMILE DRAIN DITCH

QUANTITY: 0.880 CFS

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION:

T03N R01W S27 NENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/01 11/15

QUANTITY
0.880 CFS

PLACE OF USE:

IRRIGATION Within ADA County

T03N R01W S27 NENE 9.0

T03N R01W S27 NWNE 27.0

T03N R01W S27 SWNE 1.0

T03N R01W S27 SENE 7.0

44 ACRES TOTAL

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: Beneficial Use

Use of this right is combined with water from Boise-Kuna Irrigation District.

Idaho Department of Water Resources

**T03N, R01W,
S27**

Claim No: 63-5242
Prepared By: Kimberly Brown
Date: March 22, 2005

NWNE

NENE

SWNE

SENE



Place of Use



Section Lines

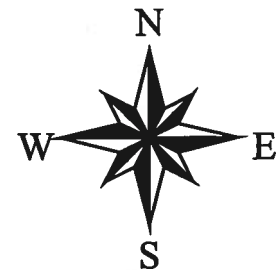


1/4 1/4



Point of Diversion

Acres Irrigated = 44.0



0.03 0 0.03 0.06 Miles



1987 NAPP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$94.⁰⁰
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A63-5242Owner: Theron & Sharon Scott Phone No. (208) 888-2545Current Address: 3985 W. Victory Rd., Meridian 83642

Property Address:

3395 W. Victory

Meridian

83642

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? 1972

Accompanied by: N/A**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☒ Priority date is acceptable/within mandatory filing dates?

Copies of Mortgages &
Final Receipts.Priority date, per claimant, is: 3/15/1920

(If priority date, based on your exam, seems questionable, explain below.)

See letter dated 9/15/03. Changed the day
to the 1st of March, since 3/1 is the new season
of use standard for this area.

Source: Waste Water Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: POD is in the NENE, not the SENE
as claimed
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	NE					

Description of diverting works

See Field Report.**OVERLAP REVIEW**Other water rights with the same point of diversion: None - see POD overlap review sheet

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount 0.88 CFS 44.0 AC AFA
Use From To Amount CFS AFA
Use From To Amount CFS AFA

44.0 AC
0.02 cfs (standard)
0.88 cfs

TOTAL VOLUME - Groundwater only

- ☒ Incomplete on claim, the total is, Amount CFS AFA
☒ Changes found, the new total is, Amount 0.88 CFS AFA
☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

surface water -
volume not applicable

NON-IRRIGATION USES:

- ☒ No change None
☐ Changes Exam found: Domestic # of homes Stock #
Types Additional comments:

PLACE OF USE:

- ☐ No Change
☒ Changes shown below:

Changes based on ArcView calculations

Parcel No: a portion of S1227110400.

Use is combined with Boise-Kuna Irr. Dist. water.

Parcel No: a portion of S1227110400.

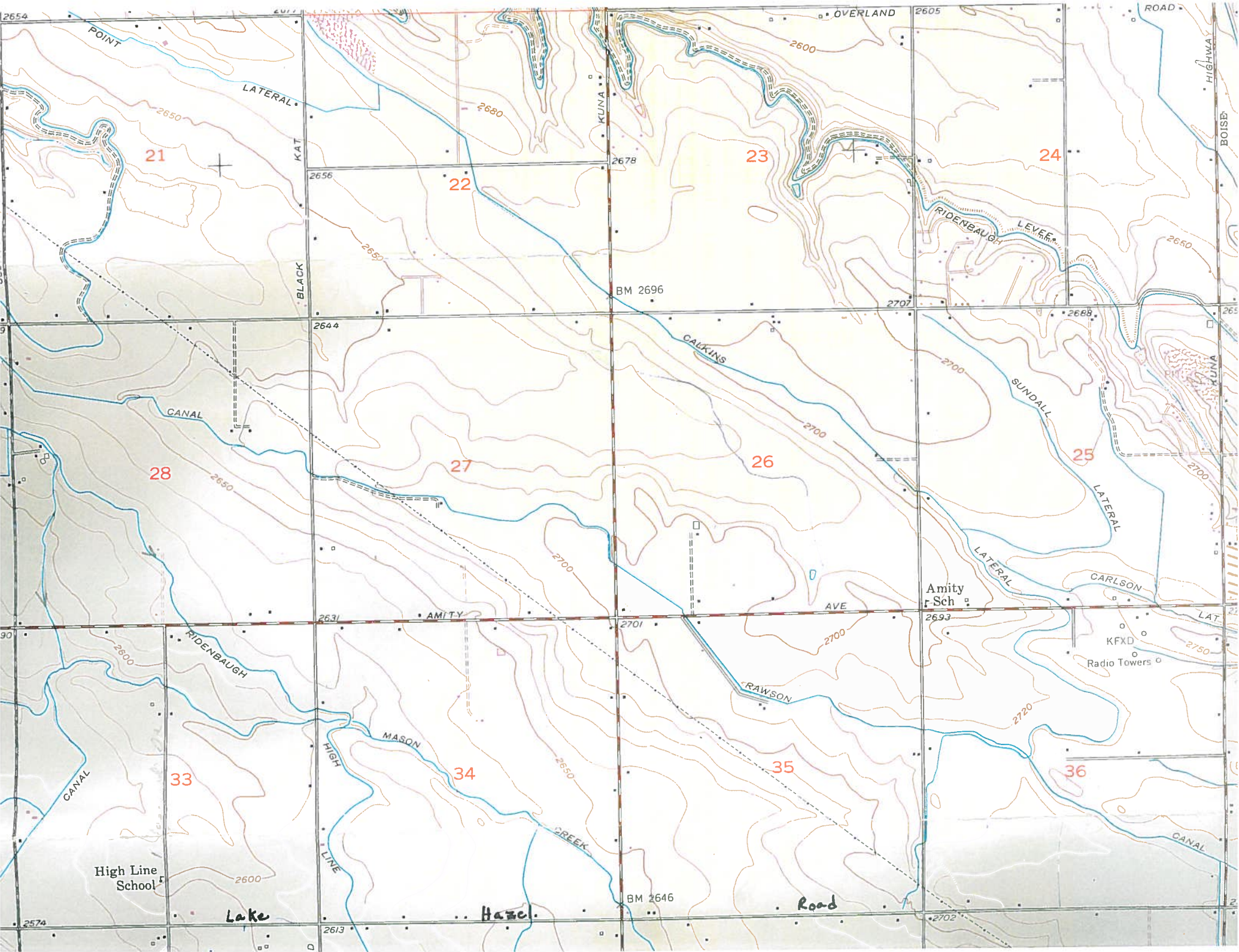
AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings Tag # A0002474 > FX - 4/29/04
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3.22.05

(in office review)

FIELD EXAMINER: Kimberly Brown



overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5242

03/22/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
~~63-5242~~	~~Claim~~	~~03N~~	~~01W~~	~~27~~	~~SE~~	~~NE~~		~~WASTE WATER TENMILE DRAIN DITCH~~	~~SHAREN R SCOTT~~
~~63-5242~~	~~Water Right~~	~~03N~~	~~01W~~	~~27~~	~~SE~~	~~NE~~		~~WASTE WATER TENMILE DRAIN DITCH~~	~~THERON G SCOTT~~

no overlap

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-5242

03/22/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~5242~~	~~Claim~~	~~03N~~	~~01W~~	~~27~~	~~NE~~	~~NE~~		~~IRRIGATION~~	~~9/44~~	~~SHAREN R SCOTT~~
~~5242~~	~~Water Right~~	~~03N~~	~~01W~~	~~27~~	~~NE~~	~~NE~~		~~IRRIGATION~~	~~10/44~~	~~THERON G SCOTT~~
16446	Water Right	03N	01W	27	NE	NE		STOCKWATER	<i>Separate POU located in NE corner</i>	THERON G SCOTT
16446	Water Right	03N	01W	27	NE	NE		DOMESTIC		THERON G SCOTT
~~5242~~	~~Claim~~	~~03N~~	~~01W~~	~~27~~	~~NW~~	~~NE~~		~~IRRIGATION~~	~~24/44~~	~~SHAREN R SCOTT~~
~~5242~~	~~Water Right~~	~~03N~~	~~01W~~	~~27~~	~~NW~~	~~NE~~		~~IRRIGATION~~	~~20/44~~	~~THERON G SCOTT~~
~~5242~~	~~Claim~~	~~03N~~	~~01W~~	~~27~~	~~SW~~	~~NE~~		~~IRRIGATION~~	~~2/44~~	~~SHAREN R SCOTT~~
~~5242~~	~~Water Right~~	~~03N~~	~~01W~~	~~27~~	~~SW~~	~~NE~~		~~IRRIGATION~~	~~10/44~~	~~THERON G SCOTT~~
~~5242~~	~~Claim~~	~~03N~~	~~01W~~	~~27~~	~~SE~~	~~NE~~		~~IRRIGATION~~	~~9/44~~	~~SHAREN R SCOTT~~
~~5242~~	~~Water Right~~	~~03N~~	~~01W~~	~~27~~	~~SE~~	~~NE~~		~~IRRIGATION~~	~~4/44~~	~~THERON G SCOTT~~

overlap review -

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-16446

WATER RIGHT NUMBER: 63-16446

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THERON G SCOTT 3985 W VICTORY RD MERIDIAN, ID 83642 (208)888-2545

Priority Date: 12/31/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.120 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
<u>Total Diversion:</u>		0.150 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 27, Twp 03N, Rge 01W, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	27	X																

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	27	X																

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-16446

2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory STOCKWATER, 100 RANGE CATTLE PARCEL NO. S1227110305 PROPERTY ALSO KNOWN AS 3395 W VICTORY.

Comments:

1. CORR1 2/11/1997 COPIED FROM REMARKS
- Comment: ALL HOMES ARE UNDER SINGLE FAM. OWNERSHIP.

2005 Ada County Assessor's
~~Land~~ Land Records
shows no such
parcel no.

should be either
S1227110050 or
S1227110100

**Land Records**
[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)
Property Details for Parcel S1227110400

- [Main Page](#)
- [Property Search](#)
- [Online Map](#)
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General Information

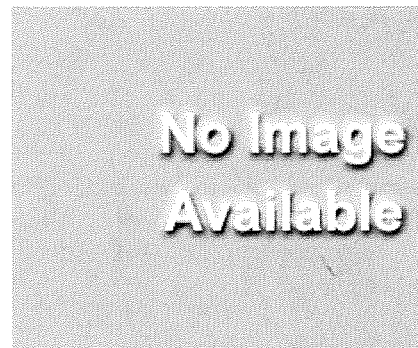
Property Acres: 142.857
Zone Code: RUT
Primary Code Area: 242 Tax Districts
Group Type: SECT
Subdivision: 3N 1W 27
Section: 3N1W27

Property Description

PAR #0400 OF NE4
 SEC 27 3N 1W
 R/S 5534
 #110310-S

Property Address

3395 W VICTORY RD
 MERIDIAN, ID 83642


[Click to View Interactive Map](#)
Assessor Links

- [Assessor Main Page](#)
- [Administration](#)
- [Information](#)
- [Appraisal](#)
- [Exemptions and Reductions](#)
- [Motor Vehicles](#)
- [Levy Rates](#)

Parcel Valuation Details

Assessment Roll	State Category Code	Acreage	Assessed Value	Valuation Method
Primary	10-IRRIGATED AG	138.857	\$116,100	INCOME
Primary	190-WASTE LAND	3.000	\$0	INCOME
Primary	100-HOMESITE ON AG	1.000	\$65,000	MARKET
Primary	310-RES IMPROVEMENT	0.000	\$82,000	COST

Total Assessed Value: \$263,100

Parcel Valuation History

Assessed value for year 2004 \$263,100
Assessed value for year 2003 \$262,900
Assessed value for year 2002 \$114,400

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- [Ada County Home Page](#)
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- [Clerk/Auditor/Recorder](#)
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- [Human Resources](#)

Property Characteristics

Residential
 Agriculture
 Land

[\[Previous Search\]](#) [\[New Search\]](#) [\[Print View\]](#)

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Land Records

Characteristics Detail[Go Back to Property](#)

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Residential

Agricultural

Land

Residential Characteristics 1 for Parcel "S1227110400"

Occupancy Date:	No Date Available
Year Built:	1961
Year Remodel:	0
Effective Age:	0
Construction Class:	3
Number of Bedrooms:	5
Number Bathrooms:	2.75
Number of Fireplaces:	1
Air Conditioning:	N
Car Storage Sq Ft #1:	440
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	120
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	3312
Main Floor Sq Ft:	1656
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	1656
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

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Residential**Agricultural****Land****Agriculture Characteristics 1 for Parcel "S1227110400"****Irrigated Acres:**

Capability Class 1:	0.0
Capability Class 2:	59.0
Capability Class 3:	38.5
Capability Class 4:	41.357

Non-Irrigated Acres:

Capability Class 1:	0.0
Capability Class 2:	0.0
Capability Class 3:	0.0
Capability Class 4:	0.0

Waste Acres:

Capability Class 8:	0.0
---------------------	-----

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Residential	Agricultural	Land
-------------	--------------	------

Land Characteristics 1 for Parcel "S1227110400"

Residential Acres:	1.000
Commercial Acres:	0.000
Other Acres:	0.000
MLS Area:	1010 SW Meridian
Street:	None
Utility:	Not Available
Water Source:	Not Available
Sewer:	Not Available
Sidewalks:	N
Curb-Gutters:	N
Topography:	Not Available
View:	Not Available
Water Influence:	None
Water Frontage Feet:	0
Corner:	N

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 63-5242

1. Owner: THERON G. SCOTT Phone No. 888 2545

Current Address: 3985 W. VICTORY RD MERIDIAN ID 83642

2. Accompanied by: Theron EXAM DATE: 4/29/04

Address: _____ Phone No. _____

Relationship to Permit Holder: JAME

3. Source: WASTE WATER tributary to TEN MILE DRAIN DITCH

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

SITE TAG A0002474

GPS	2303306	H31
	1377511	

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination NAPP PHOTO

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED PHOTOS
AND N APP PHOTO

Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: FROM CONCRETE DITCH SIZE & SLOPE.
SEE "F"

E. NARRATIVE/REMARKS/COMMENTS

ON 4/29/04 I MET WITH THERON SCOTT, OWNER OF THIS WATER RIGHT. ACCORDING TO THERON, THE WATER COMING FROM THE TEN MILE DRAIN HAS BEEN DIVERTED AND USED FOR IRRIGATION ON THIS FARM FOR MANY YEARS. IN THE LATE '70'S HE CONSTRUCTED A POND DIRECTLY ACROSS THE DRAIN. THE EMBANKMENT IS ONLY ABOUT 4-5' HIGH AND THE POND AREA HAS BEEN EXCAVATED. THE VOLUME IS DIFFICULT TO DETERMINE, BUT MR SCOTT SAYS IF THE POND IS FULL WITH NO WATER COMING IN, IT WILL RUN 35"(MI) FOR 36-48 HRS. OR ABOUT 2.0 - 2.75 AF. THERE IS NO ONE ON THIS PART OF THE DRAINAGE THAT PERFORMS ANY REGULATION OF FLOWS OR TURNS! HE SAYS THAT HE HAS SOLE RIGHT TO ANY AND ALL WATER COMING DOWN THE DRAIN UP TO HIS 2.0 CFS. HE ALSO GETS WATER FOR THE REST OF HIS FARM FROM BOISE-KUNA ID. THE DRAINAGE CAN ALSO HAVE SOME "LIVE" CANAL WATER AT TIMES, BEING DUMPED AS OVERFLOW. THE DRAIN WATER IS PRIMARY WATER MOST OF THE TIME ON THE 44 ACRES AS SHOWN ON THE NAPP PHOTO.

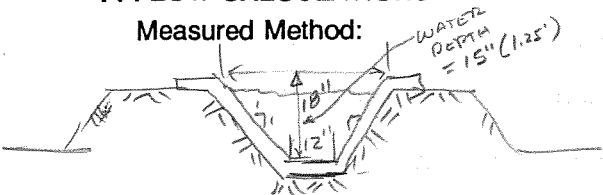
BHS

THE ^{MAIN} SOURCE OF WASTE WATER IS FROM RETURN FLOWS UP STREAM OF HIS POND. DRAINAGE GOES ^{UPSTREAM} TO NEW YORK CANAL.

Have conditions of permit approval been met? ☐ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:



AN ESTIMATED MINIMUM SLOPE = .00015'/FT

WATER DEPTH = 1.25'

FLOW RATE = 2.6 CFS

THIS DITCH WILL
EASILY CARRY THE
W.R. FLOW RATE OF 2.0 CFS

REF. = SCS CONCRETE LINED CANALS
NORMAL FLOW CHART #7-L-2015
1' BOT. WIDTH 1:1 SIDE SLOPE
MANNING N = .014
WD = 1.25

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 44 \times 4.5 = 198 \text{ A.F.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.0 \times 246 \times 1.9835 = 976 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 198 \text{ AF}$$

2. Volume Calculations for Other Uses:

Ave FLOW IS ABOUT 35 M.T. OR 0.7 CFS

$$0.7 \times 246 \times 1.9835 = 341 \text{ AC. FT. (STILL USE 198)}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>3/15/</u>	<u>11/15</u>	<u>2.0 CFS MAX</u>	
Totals:			<u>2.0</u>	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Rubert H. Scholz Date 5/4/04

Reviewer _____ Date _____

SEAL

THELON SCOTT

HYDRAULICS: Capacity of Concrete Lined Canals - Normal Flow

b = 1.0
n = 0.014
z = 1.0

UNSTABLE ZONE $0.7 S_c < S_o < 1.3 S_c$

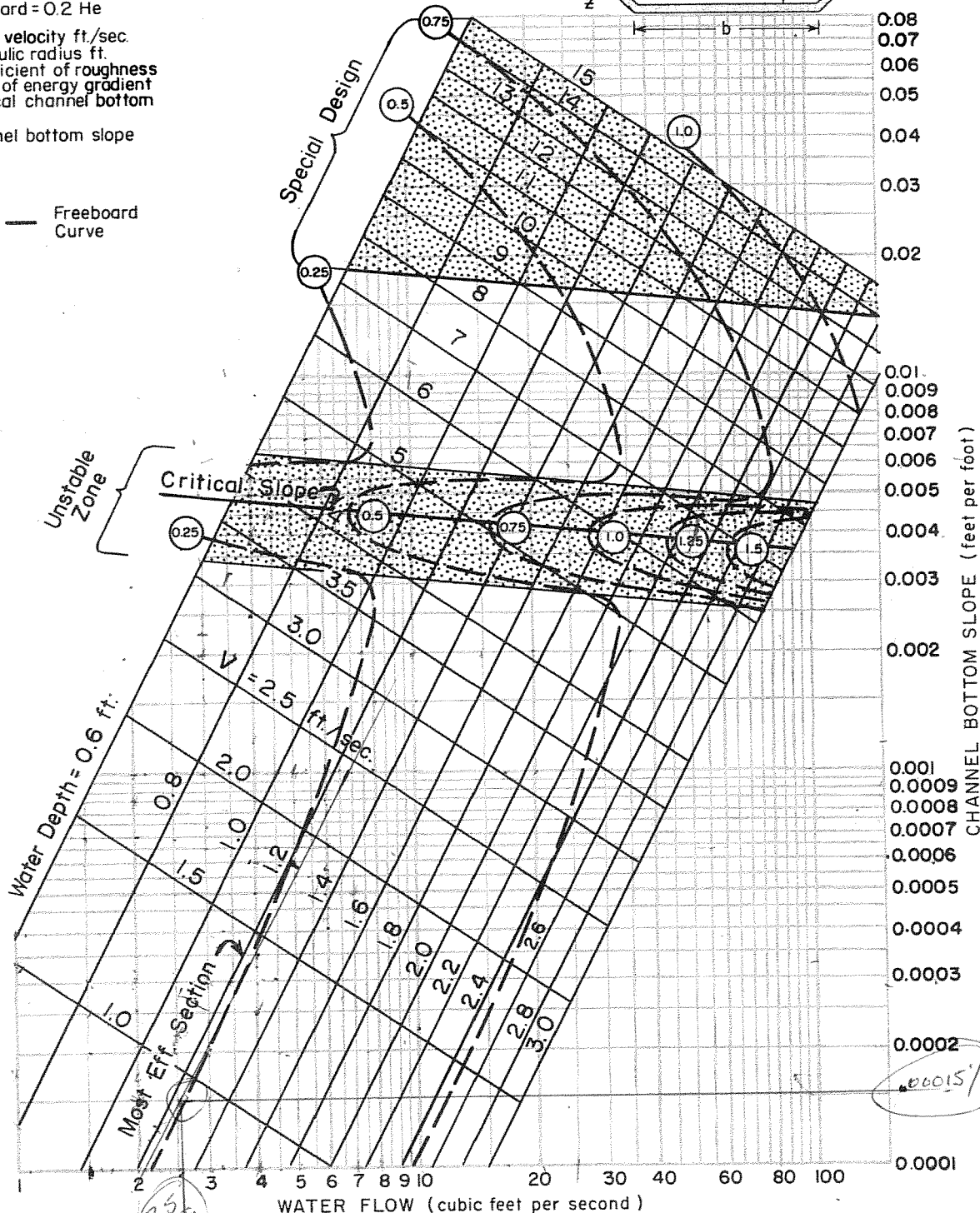
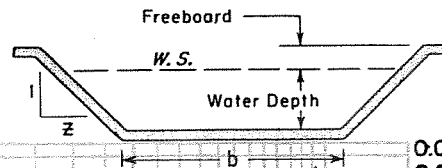
$$\text{Freeboard} = 0.2 H_e + 0.25 d_c \left[1 - 11.1 \left(\frac{S_o}{S_c} - 1 \right)^2 \right]$$

UNIFORM FLOW $V = \frac{1.486}{n} r^{2/3} S^{1/2}$

Freeboard = 0.2 H_e

V = mean velocity ft./sec.
r = hydraulic radius ft.
n = coefficient of roughness
S = slope of energy gradient
S_c = critical channel bottom slope
S_o = channel bottom slope

0.25 ——— Freeboard Curve



REFERENCE:

U. S. DEPARTMENT of AGRICULTURE
SOIL CONSERVATION SERVICE
ENGINEERING and WATERSHED PLANNING UNIT
PORTLAND, OREGON

Sheet 3 of 9
Date: November, 1956

Drawing No. 7-L-20151

REVISED 5-'61

Idaho Department of Water Resources

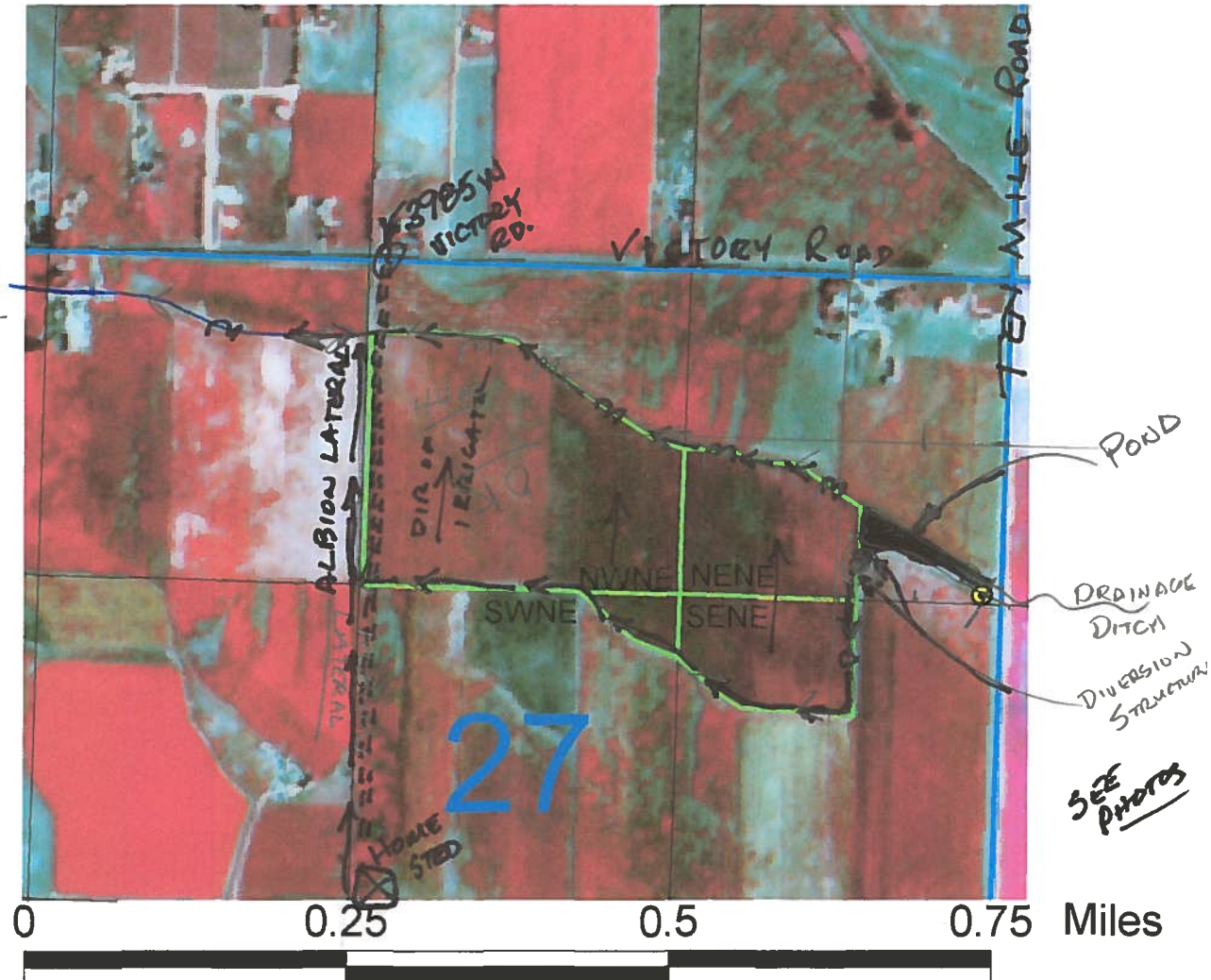
Claim Number: 63-05242

Legal: T3N, R1W, S27

Reviewed By:

1987 Napp Photo

- 10 mile drain
-  Point of Diversion
 -  Place of Use
 -  Section Lines
 -  Quarter Quarter Lines



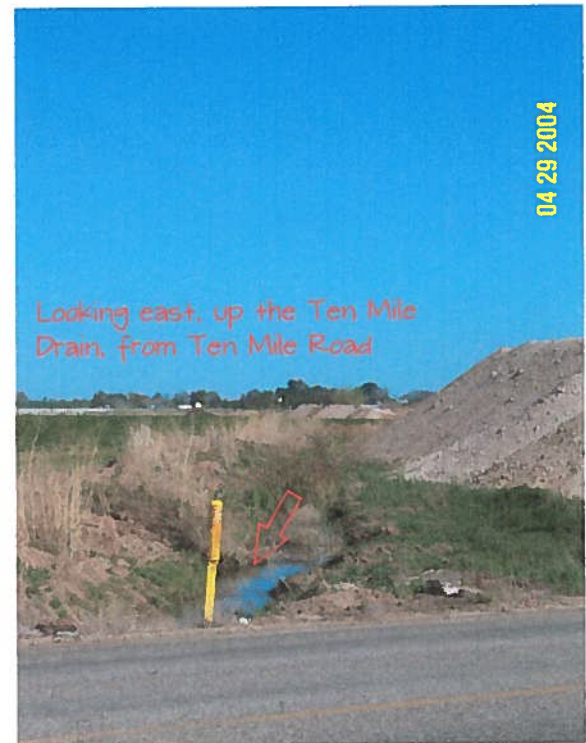
Looking West from
Ten Mile Road into the
pond.



04 29 2004

63-5242

Looking east, up the Ten Mile
Drain, from Ten Mile Road



04 29 2004

Headgate—P.O.D.



04 29 2004

Looking N.E. from
the south side of
the Pond

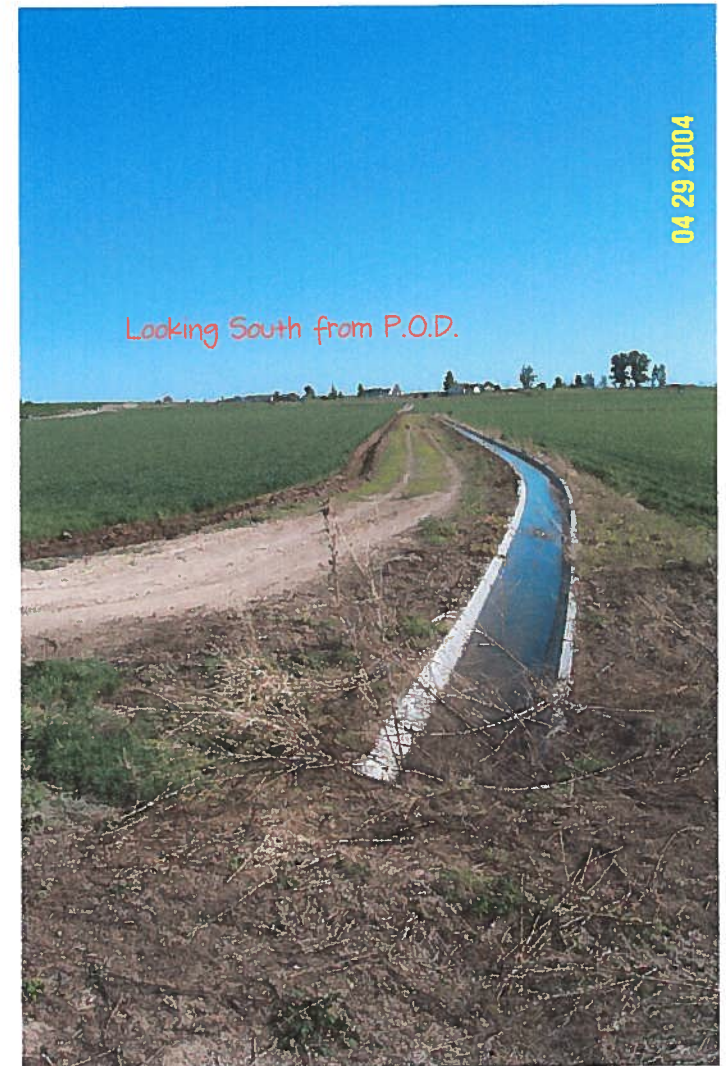
Overflow—Down Drainage



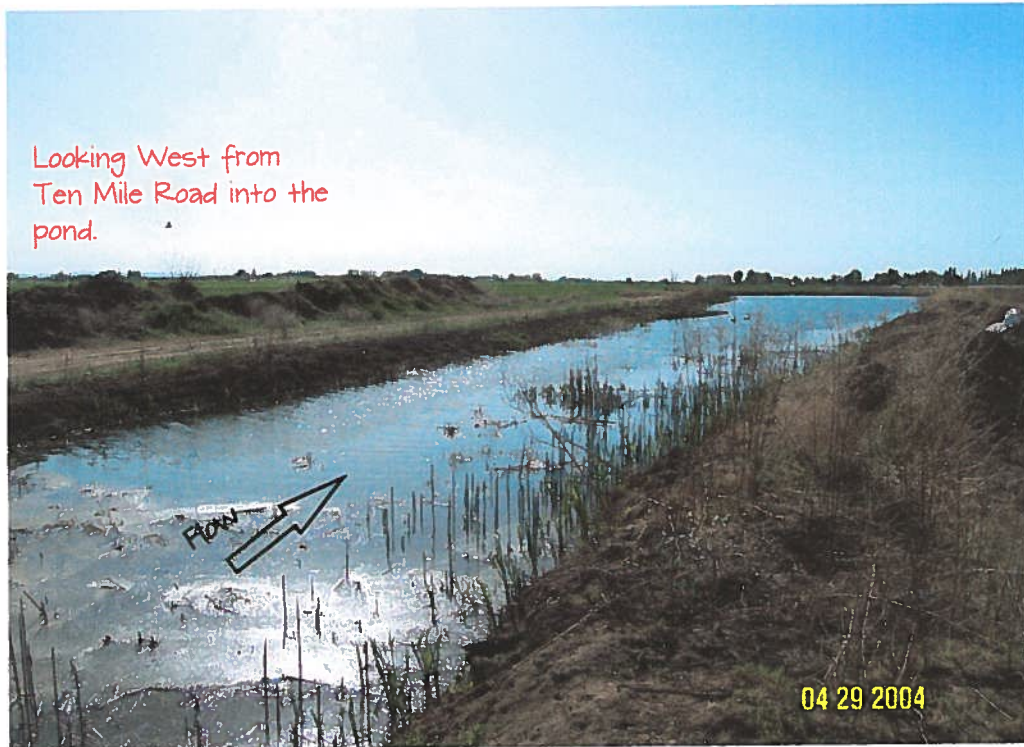
04 29 2004



63-5242



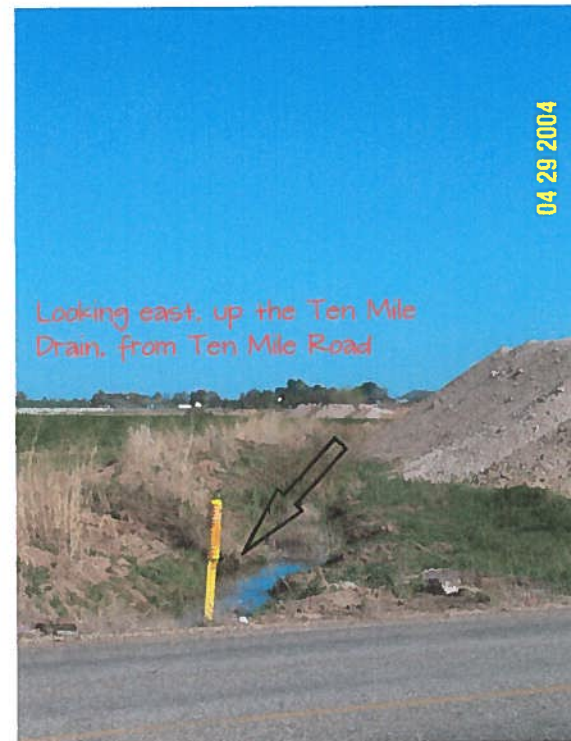
Looking West from
Ten Mile Road into the
pond.



04 29 2004

63-5242

Looking east, up the Ten Mile
Drain, from Ten Mile Road



04 29 2004

Headgate-P.O.D.



04 29 2004

Looking N.E. from the
south side of the
Pond (West of Ten
Mile Rd.)

Overflow-Down Drainage



04 29 2004

Property address is 670 W. Victory Rd. 3-31-04

Do this
w/ -16266

63-5242

#888-2545



Source:

35"
Mr. Scott ~~stated~~ ^{claimed} that the wastewater from the 10 Mile Drain originates from the New York Canal, but made a comment that he gets the wastewater from the Rollins and Cankins canals. (?) Please talk to him about where the wastewater comes from.

Pond:

1 1/2 A.F.

Mr. Scott also mentioned that the water collects in a pond that he created. Indicate where the pond is on the aerial and take measurements. SEE PHOTOS

System's

Capacity:

Make sure system has capacity of claimed 2.0 cfs.

OK

SOLE USE OF ALL WASTE WATER TO THIS POINT



Also, talk to Mr. Scott about 63-16266 while you are doing this exam. ^{docs. attached}

Mr. Scott claims that the two wells associated with this right will be abandoned since this land was subdivided (10 homes) + new owner intends to hook-up with city water.

PLEASE REVIEW THIS INFO when doing 5242



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2003

THERON & SHAREN SCOTT
670 W. VICTORY RD.
MERIDIAN, ID 83642

Dear Mr. Scott,

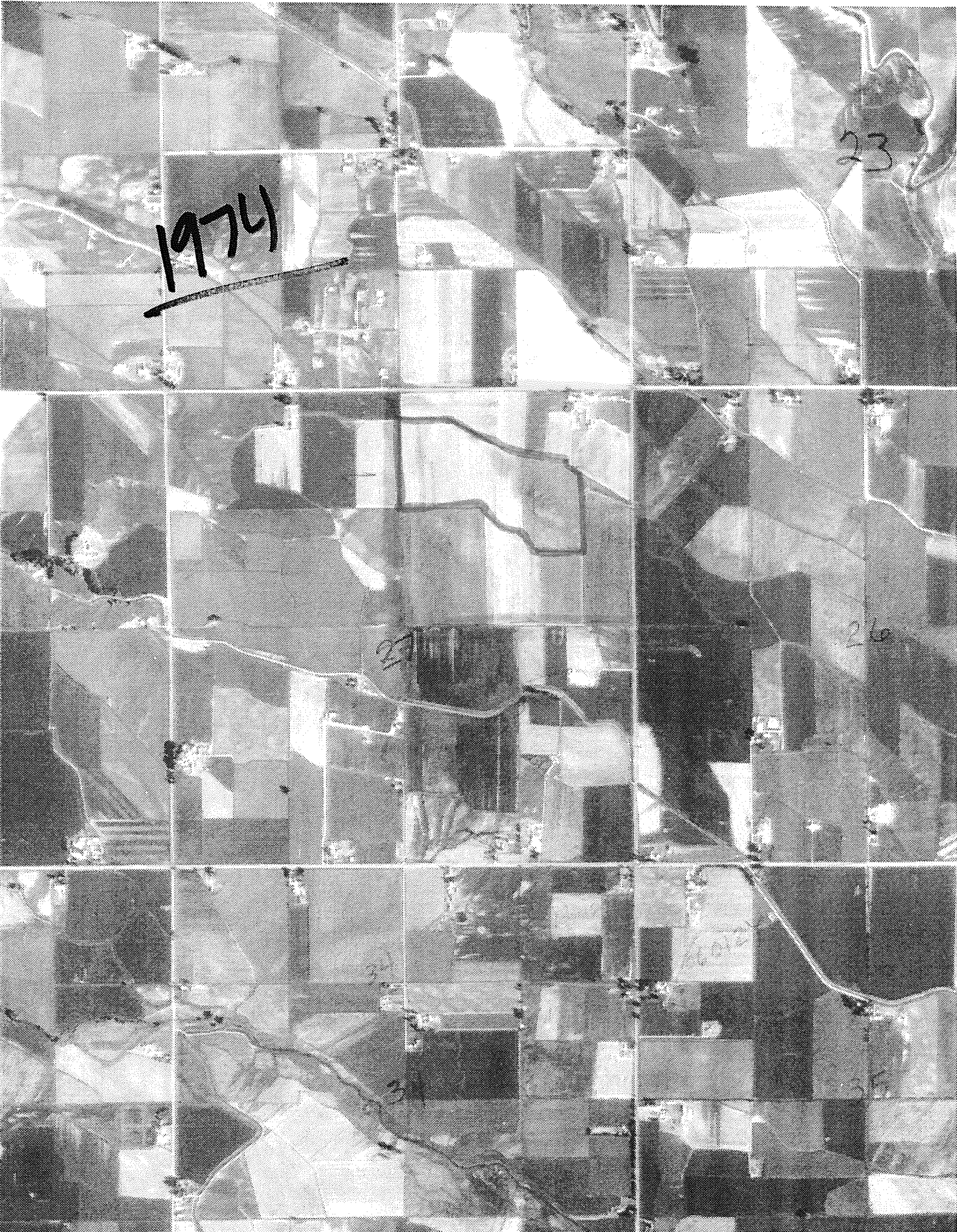
Thank you for submitting evidence of priority. I spoke with my supervisor, Jan Shurte, after you left the office and she said to leave the priority date as was originally claimed (1920) since the 1903 document is questionable, but the two documents you submitted, when used in conjunction, bolster your 1920 priority date. Therefore, your priority date will remain as March 15, 1920 and it is not necessary that I send you an amended claim.

Burke Scholer or I will contact you within the next few weeks to schedule a field exam.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly L. Brown". The signature is written in dark ink and is positioned above the typed name.

Kimberly L. Brown
Water Resource Agent
Western Region



1974

23

27

26

34

35

34

35

RECEIVED

SEP 11 2003

WATER RESOURCES
WESTERN REGION

(Continuation of Entry No. 3)

being in the County of Ada, State of Idaho, and described as follows, to-wit:

The Northeast Quarter of Section 27, Township 3 North, Range 1 West of the Boise Meridian. Save and Except public roads.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging and the reversions, remainders, rents, issues and profits thereof, and also hereby releasing and waiving all rights, under and by virtue of the homestead stay, appraisal and exemption laws now in force, or which may hereafter become laws; and together with all the rights to the use of water for irrigating said premises and for domestic use thereon to which the said mortgagors, or the premises hereby conveyed, are now or may hereafter become entitled, or which now are or may hereafter be used on said premises, however the same may be evidenced, and together with all shares of stock or shares of water in any ditch or irrigation company which in any manner entitled said mortgagors to water for irrigating or domestic purposes upon said premises.

Secures the payment of one note for \$6,000.00, of even date herewith, due November 1st, A.D. 1934, with interest thereon at the rate of five per cent. per annum from September 14th, 1936 until maturity, payable annually, on the 1st day of November and in each year, and if said principal sum or any instalment of interest thereon remains unpaid after the date of maturity thereon, the same shall draw interest at the rate of eight per cent. per annum until paid.

Privilege is given to said party of the first part, heirs or legal representatives to make additional payments on the principal sum of said note on any interest-payment date, in accordance however with the terms of such privilege as set forth in said note.

Florence E. Trowbridge
Frank H. Trowbridge.

Treasurer of Ada County,
Idaho

to

4.

Ada County, Idaho.

DELINQUENT TAX

Treasurer's Receipt No. 9549

Dated January 2, 1933

Amount \$216.50

Red. Nov. 24, 1936.
SECURITY ABSTRACT & TITLE CO.
J. Dodge Asst. Secy.

Covers: NE $\frac{1}{4}$ Sec. 27, Twp. 3N, Rge. 1W., Assessed to F. H. Trowbridge, for State, County and School District Taxes for the year 1932, now delinquent.

RECEIVED

SEP 11 2003

WATER RESOURCES
WESTERN REGION

United States.

RECEIVER' FINAL REPORT

Dated December 26, 1908.

To

Filed December 26, 1908, @ 3:30 o'clock p m

Perry L. Randall

Book 1 of Final Receipts at page 622 ✓

For the N.E. 1/4 of Section 27 in Township 3 North, of Range 1 West of Boise Meridian, containing 160 acres

2

Perry L. Randall

Susie, his Wife

To

M O R T G A G E.

Dated December 26, 1908.

Ack'd December 26, 1908, before

Benj. H. McGrew, N.P. Ada Co. Idaho. Seal.

Filed December 26, 1908, @ 3:34 o'clock p m

Consideration \$2000 Wit B.H. McGrew

Separate Examination. ✓

Des Moines Life Insurance Co.

Book 2 of MORTGAGES at page 56

Conveys: The N.E. 1/4 of Section 27 in Township 3 North, of Range 1 West of Boise Meridian, containing 160 acres, together with 100 shares of New York Canal Stock as represented by Certificate No. 208 and 100 shares of the Stock of the Idaho-Iowa Lateral and Reservoir Co. Ltd as represented by Certificate No. 85

(Signed) Perry L. Randall

Susie Randall

CONVERSATION MEMORANDUM

RE: Snake River Basin Adjudication Water Right No. A63-5242

September 11, 2003

Scott Theron came into the office to submit his evidence of priority. I told him that we would need to conduct a field investigation and Mr. Theron responded that he winters in Mexico, so we would either need to do the field exam before Thanksgiving or in the spring of 2004. Mr. Theron said that he bought this property in 1972. He also stated that this wastewater from the 10 Mile Drain ditch originates from the New York Canal (refer to Deed – he gets waste water from the Rollins and Cawkins canals and it collects in the pond he created).

September 12, 2003

After Mr. Theron dropped-off his evidence of priority, there was a question as to whether his priority date should be changed from 1920 (as claimed) to 1903 (from Deed). I told Mr. Theron that I would speak to my supervisor, Jan Shurte, regarding this matter. After discussing this subject with Mrs. Shurte, she said to keep the priority date that was claimed, 1920. Since the Continuation of Entry No. 3 refers only to 1933, she felt that 1920 was a good compromise between 1903 and 1933.

Kimberly Brown
Senior Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2003

THERON & SHAREN SCOTT
670 W. VICTORY RD.
MERIDIAN, ID 83642

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-5242

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

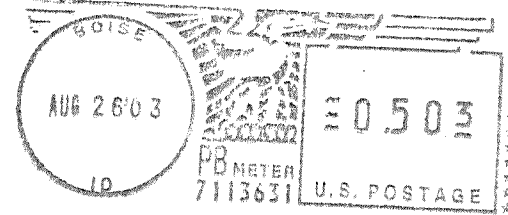
It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 23, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE
REQUESTED



RECEIVED

SEP 02 2003

WATER RESOURCES
WESTERN REGION

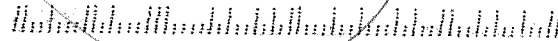
Evidence of Priority
Letter

63-5242

THERON & SHAREN SCOTT
670 W. VICTORY RD.
MERIDIAN, ID 83642

SCOT670 836422016 1A02 08 08/28/03
RETURN TO SENDER
SCOTT
3985 W VICTORY RD
MERIDIAN ID 83642-6833
RETURN TO SENDER

GAAGTMS 83705-5082



9-2-03 Resent Ev. of Priority letter to address above:
3985 W. Victory Rd.