

06/12/2006

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

RIGHT NUMBER: 1-35E

NAME AND ADDRESS: TABLE ROCK DEVELOPMENT LLC
PO BOX 506
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 0.030 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T04N R40E S27 SWSWNW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S29 SENE 4.00

4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 4 acres in a single irrigation season. Combined Right Nos.: 01-35E, 01-71E, 01-177D, 01-10494.

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 - Decreed

This right is a split from former right 1-35AE.

Water is delivered through Cheney Ditch.

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



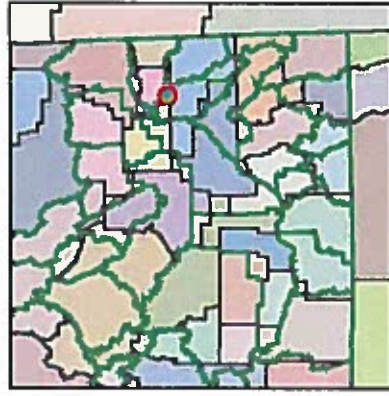
Idaho Department of Water Resources

SRBA Recommendation:

1-35E

Legend

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



Jefferson County
IDWR Basin 1



R40E



T04N

0 0.5 1 Miles

Prepared by M. Holliday
On Monday, June 12, 2006
1987/88 Aerial Photography

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
1-35E					
1-71E					
1-177D					
1-10494					

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)

R Gene Scott

4. New Owner/Claimant(s)

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

Table Rock Development
PO BOX 506 RIGBY, ID 83442
() _____

5. Date you acquired the property

Part of
Sections 20 and 29, T 4 N R 40 E, E1M
JETTISON COUNTY, IDAHO



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(1939-1982)
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(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

November 21, 2005

RECEIVED
NOV 22 2005

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
ATTN: Jennifer Crabtree
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Notice of Change in Water Right Ownership for Table Rock Estates Irrigation Association, Inc.

Dear Jennifer:

Enclosed are documents pertaining to a Notice of Change in Water Right Ownership for four water rights. As noted on the form, each of the four rights are going to be split. In order to understand how the water rights are to be split and the history behind the conveyance of these water rights, here is a short history.

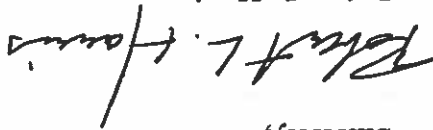
On November 7, 1997, R. Gene Scott, the listed owner on water rights 1-35C, 1-177C, 1-71B, and 1-10470, deeded property to Judd Ball, d/b/a Sweetwater Development. On May 27, 1998, Judd Ball, d/b/a Sweetwater Development deeded the property to Table Rock Development, L.L.C. Table Rock Development, L.L.C. then subdivided the property into a number of lots. Nearly all of these lots have been sold. The deeds associated with all of the above described transactions are all enclosed with this letter.

All of the lot owners that own the lots highlighted in yellow on the enclosed plat have formed an irrigation association to handle all of the water rights associated with their properties. Enclosed is a Water Rights Deed wherein the lot owners who own the lots highlighted in yellow deeded their proportionate share of the four different water rights mentioned above to Table Rock Estates Irrigation Association, Inc. You should be aware that some years ago, Gene Scott went in and visited with the department about splitting off various portions of these four water

rights to Table Rock Development, L.L.C. and retaining portions of those rights for himself. This was done in order to make the adjudication for these water rights simpler. Therefore, you will note that the places of use for each of the four water rights listed on the Notice of Change of Ownership correlate to the lots highlighted in yellow on the enclosed plat. However, as indicated on the topomap included with this letter, there are four acres authorized for irrigation in the SE¼ of the NE¼, Section 29, T4N., R40E. These four acres pertain to Lots 16 and 17 of Block 1 that are not highlighted on the enclosed plat map. Those Lots are owned personally by Judd Ball. Both the irrigation association and Judd Ball decided that Lots 16 and 17 should not be part of the irrigation association. Therefore, a portion of each of the four water rights needs to be split off to Judd Ball for those four acres. Apparently both parties determined that a ditch that diverts from higher up the Dry Bed could better deliver irrigation water to these lots than the pump located downstream on the Dry Bed that will deliver water to the other lots.

We realize that this history may be a bit confusing, but in short, a 1 1/7 acre portion of the four water rights listed above has changed ownership and should now be listed in the name of Table Rock Estates Irrigation Association, Inc. The remaining four acre portion of those rights should be in the name of Judd Ball. If you have any questions about any of the foregoing, please do not hesitate to contact me. In addition, please send all correspondence relating to this Notice in Change of Water Right Ownership to our office.

Sincerely,



Robert L. Harris

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

Part of
Sections 20 and 29, T 4 N, R 40 E, BM
JEFFERSON COUNTY, IDAHO



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 1-35E
Date Received: 4/11/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TABLE ROCK DEVELOPMENT LLC Phone:

PO BOX 506
RIGBY ID USA 83442

2. Date of Priority: 06/01/1885

3. Source: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	27	NW NW SW	JEFFERSON	

5. Description of diverting works:

headgate of cheney ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.09	

7. Total Quantity Appropriated is:
0.09 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
04N	40E	29	NE	NW	IRRIGATION	9
			NW	NW	IRRIGATION	3
			SE	NE	IRRIGATION	5
					Section Acres	17
					Total Acres	17

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

ownership change split

15. Basis of Claim: Decreed

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.