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September 30, 2008

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Settlement of SRBA Objections Relating to Water Right No. 1-71.

Dear Ernie:

This letter is intended to inform you that the parties in the above numbered subcase have reached a resolution as to how Water Right No. 1-71 should be allocated to each party. Just to provide some brief background, 1-71 was originally recommended to three different parties: Table Rock Estates Irrigation Association, R. Gene Scott, and Table Rock Development, LLC. Early this year, Mr. Wyatt Johnson filed a Motion to Set Aside Partial Decree based on some work that Michael Holliday performed indicating that 1-71 was perhaps recommended incorrectly. Based on the evidence provided by Mr. Holliday, the Court set aside the Partial Decrees, and the parties began negotiating potential resolution of the matter. The original right was for a total of 0.8 cfs. The parties have agreed that Mr. Johnson should receive 0.5 cfs of the original water right, and that the remaining 0.3 cfs should be split amongst the remaining parties as follows: 0.23 cfs to go to Table Rock Estates Irrigation Association, 0.06 cfs to go to Mr. Gene Scott, 0.01 cfs to go to Table Rock Development.

Please prepare SF5s evidencing the above agreement. Copies of this letter are being provided to counsel for Table Rock Development, LLC, and Mr. Wyatt Johnson. If they have any concerns with this request, they can certainly contact you. However, based upon our previous discussions, the parties are all in agreement. Once we receive the SF5s, we will have them signed and this matter can be resolved. Please let me know if you have any questions or concerns.

RECEIVED

OCT 01 2008

Department of Water Resources
Eastern Region

Established in 1896

Ernie Carlsen
Idaho Department of Water Resources
September 30, 2008
Page 2 of 2

Best Regards,



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

Enclosures

c: Table Rock Estates Irrigation Associations
Gene Scott
Nathan Olsen
Jim Archibald

G:\WPDATA\RLH\14830 Scott, Gene\Ernie Carlsen ltr 093008 wpd cdv



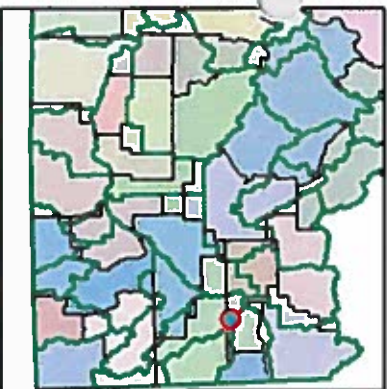
Idaho Department of Water Resources

Adjudication Claim:

1-71B

Legend

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



Jefferson County
IDWR Basin 1



Prepared by D. Carlson
On Thursday, April 13, 2006
1987/88 Aerial Photography



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DEC 04 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

APRIL 10, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

TABLE ROCK ESTATES IRR ASSOC
4647 E 185 N
RIGBY ID 83442

RE: Notice of Change of Address for 1-35C, 1-71B, 1-177C, 1-10470
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On April 10, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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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	)	Water Rights: 1-35C
	)	1-71B, 1-177C, 1-10470
Case No. 39576	)	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

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: 4-11-07

Ernest Carlson

Signature of IDWR Representative

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CERTIFICATE OF MAILING

I certify that on April 13, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
TABLE ROCK ESTATES IRR ASSOC
4647 E 185 N
RIGBY ID 83442

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

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


Signature of person or attorney mailing the form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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):

1-35C 1-10470
1-177C
1-71B

DE DONIS
Cm 4-6-07

[] Name(s):

[] Old Mailing Address:

TABLE ROCK ESTATES IRR. ASS.
510 E 17TH ST #454
IDAHO FALLS IDA.

TABLE ROCK ESTATES IRR. ASSOCIATION 40

[] New Mailing Address:

~~TABLE ROCK ESTATES IRR. ASSOCIATION~~
IDAHO FALLS
4647 E. 185N.
Rigby, Id. 83442

Telephone Number:

208 538 - 9891
208-390-1128

[] Signature(s) of Owner(s)

David Decker
Steven Rufford U.P.

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

Date:

2-26-07

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DAVE C.

4/13/2006

4 LOTS FROM THIS FILING

WERE REMOVED FROM THESE

RECOMMENDATIONS. AS PER OWNERSHIP
CHANGE.

THOSE 4 LOTS ARE STILL OWNED

BY JUDD BALL - TABLE ROCK DEV LLC

NEW CLAIMS CREATED FOR THIS

SPLIT.

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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 1-71B
Date Received: 5/12/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TABLE ROCK IRRIGATION ASSOC INC Phone:

510 E 17 ST
#454
IDAHO FALLS ID USA 83404

2. Date of Priority: 06/01/1890

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	29	NE NW	JEFFERSON	

5. Description of diverting works:

pump in the dry bed

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.65	

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

8. Total consumptive use:

9. Non-irrigation uses:

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10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	29	SW	NE	IRRIGATION	39
			NE	NW	IRRIGATION	31
			NW	NW	IRRIGATION	37
			NW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	4
Section Acres						121
Total Acres						121

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:

split by ownership-filed as 1-71c gene scott

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.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____

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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 1-71B
Date Received: 5/12/2005
Receipt No: E030892
Received By: DC E00446

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

R GENE SCOTT Phone: (208)538-7431

4644 E 185 N
RIGBY ID USA 83442

2. Date of Priority: 06/01/1890

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	29	NE NW	JEFFERSON	

5. Description of diverting works:

pump in the dry bed

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.65	

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

8. Total consumptive use:

9. Non-irrigation uses:

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10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	40E	29	SW	NE	IRRIGATION	39
			NE	NW	IRRIGATION	31
			NW	NW	IRRIGATION	37
			NW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	4
					Section Acres	121
					Total Acres	121

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:

split by ownership-filed as 1-71c gene scott

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.

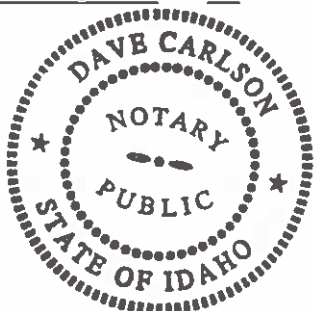
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DEC 04 2007

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

19 of Mar 2005



Dave Carlson

Notary Public

Residing at

Rugby Id

My commission Expires

2/26/2008

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04/06/2007

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

RIGHT NUMBER: 1-71B

NAME AND ADDRESS: TABLE ROCK ESTATES IRR ASSOC INC
4647 E 185 N
RIGBY ID 83442

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

QUANTITY: 0.620 CFS

PRIORITY DATE: 06/01/1890

POINT OF
DIVERSION: T04N R40E S29 NENW 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	0.620 CFS
PLACE OF USE:	<u>IRRIGATION in JEFFERSON County</u>		
	T04N R40E S29 NWNE	9.00	T04N R40E S29 SWNE 39.00
	T04N R40E S29 NENW	22.00	T04N R40E S29 NWNW 34.00

104 ACRES TOTAL

This right is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 104 acres in a single irrigation season. Combined Right Nos.: 01-35C, 01-71B, 01-177C, 01-10470.

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

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

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

This right is a split from former right 1-71C.

06/09/2006

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

RIGHT NUMBER: 1-71B

NAME AND ADDRESS: TABLE ROCK ESTATES IRR ASSOC INC
510 E 17 ST #454
IDAHO FALLS ID 83404

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

QUANTITY: 0.620 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T04N R40E S29 NENW 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	0.620 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S29	NWNE	9.00	T04N R40E S29	SWNE	39.00
T04N R40E S29	NENW	22.00	T04N R40E S29	NWNW	34.00

104 ACRES TOTAL

This right is limited to the irrigation of 15.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 104 acres in a single irrigation season. Combined Right Nos.:01-35C, 01-71B, 01-177C, 01-10470.

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