

06/07/2006

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

RIGHT NUMBER: 1-71C

NAME AND ADDRESS: R GENE SCOTT
4644 E 185 N
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 0.150 CFS

This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T04N R40E S29 SWNE 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	0.150 CFS

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S29 SENE 29.00

29 ACRES TOTAL

This right is limited to the irrigation of 3.8 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 29 acres in a single irrigation season. Combined Right Nos.: 01-35B, 01-71C, 01-177A, 01-10017.

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 1-71C.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

This right does not grant any right-of-way or easement across the land of another.



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-MAIL rharris@holdenlegal.com

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.cdlv



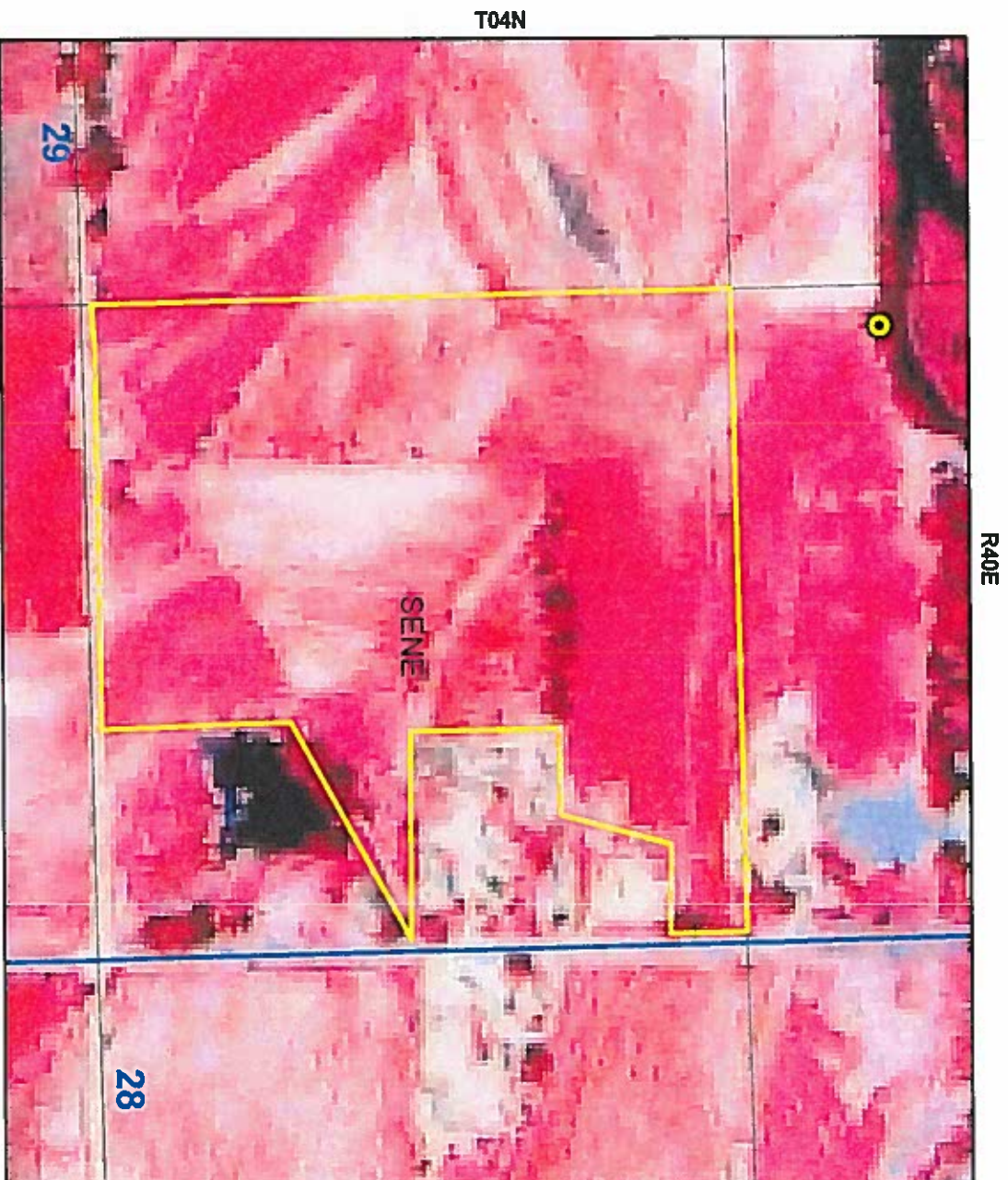
Idaho Department of Water Resources

Adjudication Claim:

1-35B
1-177A
1-71C

Legend

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



Prepared by D. Carlson
On Wednesday, April 5, 2006
1987/88 Aerial Photography

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 1-71C
Date Received: 8/20/2003
Receipt No: E029119
Received By: DC

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 , DRY BED Trib. to: SNAKE RIVER , 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	
04N	40E	27	NW	NW	SW	JEFFERSON	

5. Description of diverting works:

1 PUMP AND 1 HEADGATE ON 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	0.15	

7. Total Quantity Appropriated is:
0.15 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	SE	NE	IRRIGATION	29
Section Acres						29
Total Acres						29

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:

this is amended to reflect what gene scott still owns.
1-71b created for an ownership change

OTHER WATER RIGHTS BEING USED AT THE SAME PLACE AND FOR THE SAME PURPOSES: 1-35B, 1-177A, 1-10017

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 Individuals:

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

Signature of Claimant(s): R. Gene Scott Date: 5-19-05

Date:

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): R. The Sudo Date: 5-19-05

Date:

State of Idaho)
County of Bonneville) ss.

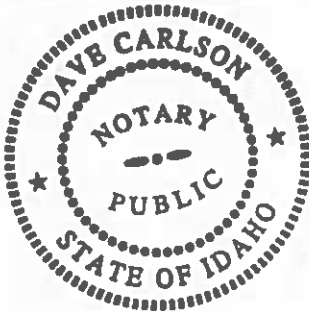
Subscribed and sworn (or affirmed) before me this
19 of May 2005

Dave Carlson

Notary Public

Residing at Rigby, Id

My commission Expires 2/26/2008



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 1-71C
Date Received: 8/20/2003
Receipt No:
Received By:

**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	27	NW NW SW	JEFFERSON	

5. Description of diverting works:

1 PUMP AND 1 HEADGATE ON GREAT FEEDER CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 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	NW NE	IRRIGATION	11
			SW NE	IRRIGATION	36
			SE NE	IRRIGATION	28
			NE NW	IRRIGATION	21

NW NW

IRRIGATION 32

Section Acres 128

Total Acres 128

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS BEING USED AT THE SAME PLACE AND FOR THE SAME PURPOSES: 1-35B, 1-177A, 1-10017

#12 A SUBSEQUENT NOTICE OF CHANGE WILL BE FILED (FOR THIS WATER RIGHT AND THE WATER RIGHTS LISTED IN #13) WITH RESPECT TO THE BUYERS OF A PORTION OF THE PROPERTY.

15. Basis of Claim: Decreed

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL

Ident. Number

Date Received

Receipt Number

Copy 01-71C
water right
into this
claim & modify
per this document

01-71C

8-18-03

E029119

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) R. Gene Scott Phone (208) 538-7431
Mailing Address 4644 East 185 North, Rigby, Idaho Zip 83442
2. Date of Priority (Only (1) per claim) 06/01/1890
3. Source of water supply (a) Dry Bed
which is tributary to (b) Snake River
- 4.a. Location of existing point of diversion is:
Township 04N Range 40E Section 27, NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot ____, County of Jefferson
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township ____ Range ____ Section ____, __ 1/4 of __ 1/4 of __ 1/4, Govt. Lot ____ B.M., County of _____
ending point is: Township ____ Range ____ Section ____, __ 1/4 of __ 1/4 of __ 1/4 Govt. Lot ____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 1 pump and 1 headgate on Great Feeder Canal
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For irrigation purposes from 4/01 to 11/01 amount 0.8 or _____
7. Total quantity claimed (a) 0.8 (cfs) and/or (b) ____ (acre feet)
8. Total consumptive use claimed is ____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	29		11	36	28	21	32											128

Total number of acres irrigated 128

11. In which county(ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes part No part
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
1-35B; 1-177A; 1-10017 or None ()

14. Remarks:

#12 A subsequent Notice of Change will be filed (for this water right and the water rights listed in #13)
with respect to the buyers of a portion of the property.

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number 1-71C
Court Fremont County Case Number Decree Date December 16, 1910
Plaintiff vs Defendant Rexburg Irr. Co. et al. v. Teton Irr. Canal Co.

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) R. Gene Scott Date 8-4-03
R. Gene Scott

Date _____

Last Name Scott Ident. Number _____

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

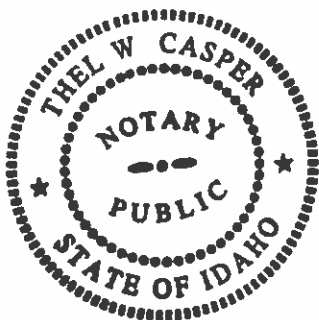
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 4th day of August, 2003.

Notary Public _____
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 18, 2006



17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

18. Number of attachments: 1 map

