

06/12/2006

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

RIGHT NUMBER: 1-71E

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: 06/01/1890

POINT OF DIVERSION:

T04N R40E S27 SWSWN 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.

This right is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

Water is delivered through Cheney Ditch.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 1-71E V1

WATER RIGHT NUMBER: 1-71E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TABLE ROCK DEVELOPMENT LLC PO BOX 506 RIGBY, ID 83442
Original Owner	R GENE SCOTT 4644 E 185 N RIGBY, ID 83442 (208)538-7431

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DRY BED	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of Diversion

DRY BED	NE1/4NW1/4	Sec. 29, Twp 04N, Rge 40E, B.M.
JEFFERSON County		
DRY BED	SW1/4SW1/4NW1/4	Sec. 27, Twp 04N, Rge 40E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	29				4.0	7.0	2.0											13.0

Total Acres: 13

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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 13 acres in a single irrigation season. Combined Right Nos.: 01-35E, 01-71E, 01-177D, 01-10494.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 1-71E V1

4. K06 This right is limited to the irrigation of 9 acres within the place of use described above in a single irrigation season.
5. F01 Water is delivered through Cheney Ditch for the point of diversion in section 27.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			04/19/2006	dcarlson	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	4/19/2006 9:04:43 AM	dcarlson	Updated shape
POD	4/19/2006 9:04:58 AM	dcarlson	Updated PLS
POU	4/19/2006 9:06:43 AM	dcarlson	Updated shape for Active POU



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

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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



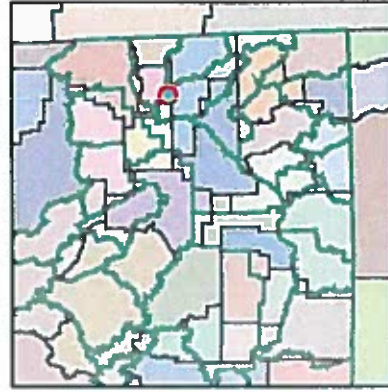
Idaho Department of Water Resources

SRBA Recommendation:

**1-35E, 1-71E,
1-177D, and
1-10494**

Legend

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



Jefferson County
IDWR Basin 1



R40E



T04N

0.5

0

1

Mile

Prepared by M. Holliday
On Monday, June 12, 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 1-71E
Date Received: 4/10/2006
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: 06/01/1890

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:

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	SE	NE	IRRIGATION	5
			NE	NW	IRRIGATION	9
			NW	NW	IRRIGATION	3
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.