

06/07/2006

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

RIGHT NUMBER: 1-177A

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: 0.760 CFS

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.

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.

PRIORITY DATE: 06/02/1889

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	0.760 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 20 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 does not grant any right-of-way or easement across the land of another.

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.



Idaho Department of Water Resources

Adjudication Claim:

1-35B
1-1177A
1-71C

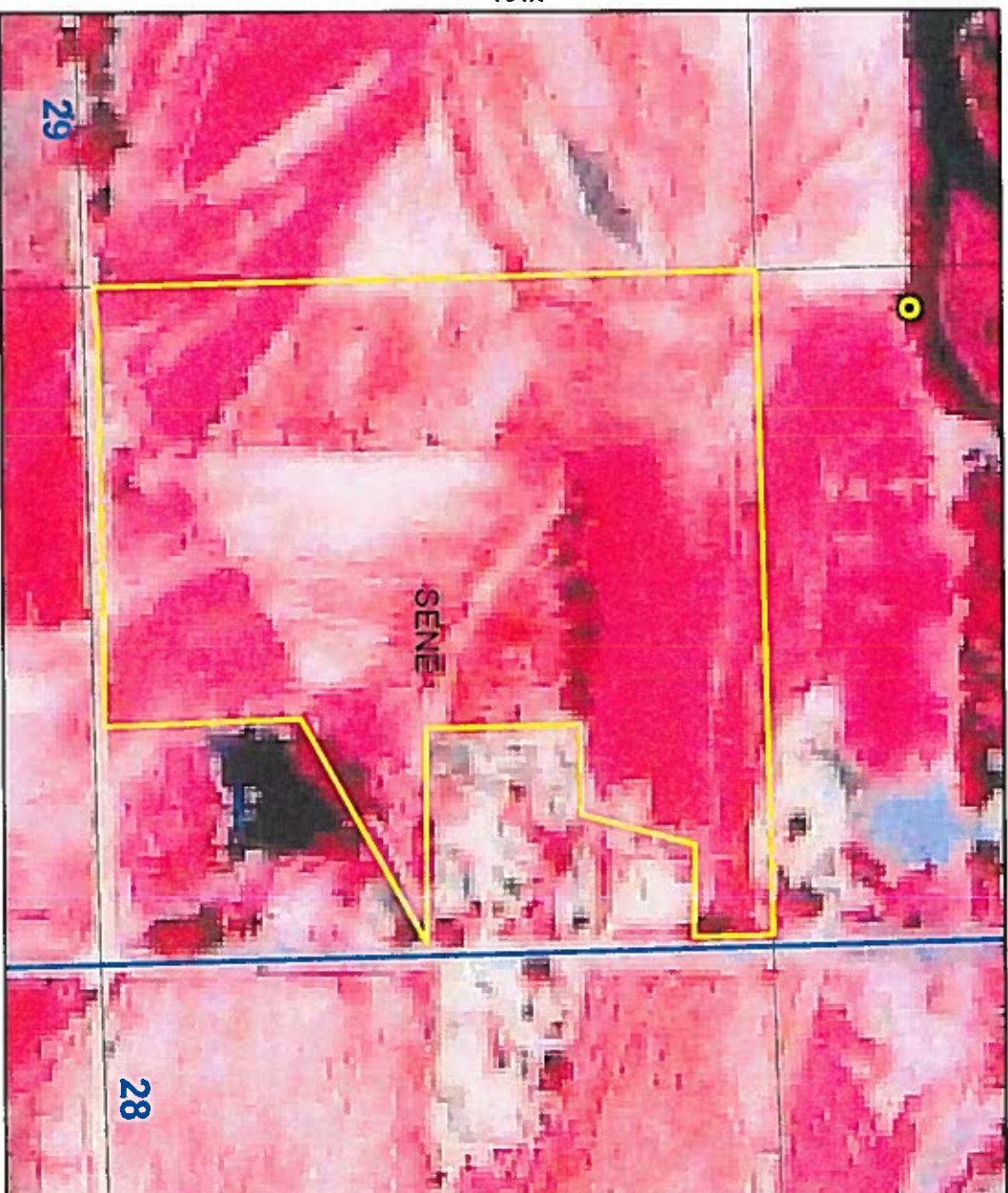
Legend

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



T04N

R40E



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

AUG 22 2001

25AC

HOWARD STREEPER.

WARRANTY DEED. Instrument No. 5683.-

Dated August 25th, 1916.

Recorded August 26th, 1916, at 12:45
F.M.

Book 41 of Deeds, at Page 624.

Records of Jefferson County, Idaho.

H.W. FORBUSH.

Consideration - \$1.00 -

SIGNED & AS ABOVE.

ACKNOWLEDGED - August 25th, 1916, before James S. Byers, a
Notary Public for Idaho, in and for Bonneville
County. (SEALED) Acknowledgment Regular.

DESCRIPTION AND REMARKS.

Transfers 100 inches of water, measured under 4 inch
pressure decreed to Howard Streeper on December 16th,
1910, by the District Court of the Sixth Judicial
District of the State of Idaho.
Water used on the South ¹/₂ of the Northwest Quarter
(S¹/₂NW¹/₄) of Section 29, Township 4 North, Range 40,
East of the Boise Meridian, Jefferson County, Idaho.

MICROFILMED

OCT 19 1992

Certificate of Appointment

WE HEREBY CERTIFY That we have examined the following instrument showing entries numbered from _____ to _____ inclusive, concerning a true and correct Abstract and Exhibit of all instruments of conveyance affecting the Title or lands described in the Caption of this record, as record in the Office of the County Recorder of Jefferson County, Idaho.

HYRUM W. FORBUSH, and
LUCY MAY FORBUSH, his wife.

WARRANTY DEED. Instrument No. 61889.

Dated June 12th, 1939.

Recorded June 17th, 1939, at 2:10 P.M.

Book 118 of Deeds, at Page 551.

Records of Jefferson County, Idaho.

J.R. DURANT, and
SADIE G. DURANT.

Consideration - \$500.00 -
50¢ I.R.S. Attached and Cancelled.

SIGNED - AS ABOVE.

ACKNOWLEDGED - June 15th, 1939, before Geo. A. Faust, a Notary Public for Utah, in and for Salt Lake County.
(SEALED) Acknowledgment Regular.

DESCRIPTION AND REMARKS.

The South Half of the Northwest Quarter of Section 29, Township 4 North, Range 40, East of the Boise Meridian, Jefferson County, Idaho, containing 80 acres, more or less, together with all water rights and carry rights of every nature and description however evidenced and particularly 100 inches of water in the Great Feeder Canal Company.

THE LEBBY TRAIL & DEVELOPMENT COMPANY.

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GJ.R. DURRANT, and
SADIE G. DURRANT, husband
and wife.

Dated September 7th, 1950.

Book 152 of Deeds, at Page 38.

Records of Jefferson County, Idaho.

R. DUWAYNE SCOTT, and
VIRGINIA SCOTT, husband
and wife.

Consideration - \$500.00 M.V.C. -
 m 55¢ I.R.S. Attached and Cancelled.

SIGNED - AS ABOVE.

ACKNOWLEDGED - October 30th, 1950, before John M. Corless, a
Notary Public for Idaho. Residing at Idaho Falls
Idaho. (SEALED) Acknowledgment Regular.

DESCRIPTION AND REMARKS.

The South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section Twenty-nine (29), Township Four (4) North, Range Forty (40), East of the Boise Meridian, Jefferson County, Idaho, containing 80 acres, more or less, together with all water rights and all carrying rights of every nature and description however same may be evidenced and particular 100 miners inches of water as represented by capital stock in the Great Feeder Canal Company, a corporation.

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R. DuWAYNE SCOTT, and
VIRGENIA SCOTT, husband
and wife.

FEDERAL FARM LOAN AMORTIZATION MORTGAGE.
Instrument No. 92371.

Dated September 29th, 1950.

Recorded October 10th, 1950, at 3:10 P.M.

Book 150 of Mortgages, at Page 358.

Records of Jefferson County, Idaho.

THE FEDERAL LAND BANK OF
SPOKANE, a Corporation.

Consideration - \$6,000.00 -

SIGNED - AS ABOVE.

ACKNOWLEDGED - October 2nd, 1950, before John M. Corless, a
Notary Public for Idaho. Residing at Idaho
Falls, Idaho. (SEALED) Acknowledgment Regular.

DESCRIPTION AND REMARKS.

TRACT 1: Part of the South Half of the Northwest Quarter of Section
Twenty-eight (28), Township Four (4) North, Range Forty (40), East of
the Boise Meridian, Jefferson County, Idaho, and more particularly
described as follows, to-wit: Beginning at the Southeast Corner of
the Northwest Quarter of said Section 28, and running thence West
160 rods; thence North 80 rods; thence Southeasterly to a point 60
rods North of the Southeast Corner of the Southwest Quarter of the
Northwest Quarter of said Section 28; thence South 3 rods; thence
Southeasterly to a point on the North Bank of the Cheney Ditch, that
is 8 rods North of the Southeast Corner of the Northwest Quarter of
said Section 28; thence South 8 rods, to the place of beginning.

TRACT 2: The Northeast Quarter of the Southeast Quarter of Section
Twenty-nine (29); and the Northwest Quarter of the Southwest Quarter
of Section Twenty-eight (28), all in Township Four (4) North, Range

CONTINUATION OF DESCRIPTION AND REMARKS OF MORTGAGE RECORDED IN BOOK
150 of Mortgages at Page , records of Jefferson County, Idaho.

Forty (40), East of the Boise Meridian, Jefferson County, Idaho.

TRACT 3: Beginning at the Northeast Corner of the Southwest Quarter of Section Twenty-nine (29), Township Four (4) North, Range Forty (40) East of the Boise Meridian, Jefferson County, Idaho, and running thence West 60 rods; thence South 40 rods; thence East 60 rods; thence North 40 rods, to the place of beginning.

Beginning at a point 40 rods South from the Northeast Corner of the Southwest Quarter of Section Twenty-nine (29), Township Four (4) North, Range Forty (40), East of the Boise Meridian, Jefferson County, Idaho, and running thence South 36 rods; thence West 11 1/9 rods; thence North 36 rods; thence East 11 1/9 rods, to the place of beginning.

ALSO: The Northwest Quarter of the Southeast Quarter of Section Twenty-nine (29), Township Four (4) North, Range Forty (40), East of the Boise Meridian, Jefferson County, Idaho.

TRACT 4: The South Half of the Northwest Quarter of Section Twenty-nine (29), Township Four (4) North, Range Forty (40), East of the Boise Meridian, Jefferson County, Idaho.

Together with all water rights, and rights in ditches, canals, and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith, now and/or at any time during the existence of this Mortgage, including (but not limited to) the following:

~~100 miners inches, priority June 1, 1885, and 100 miners inches, priority June 2, 1889, waters of South Fork of Snake River, being the 100 inches conveyed by Howard Streeper by deed recorded in Book 41 of Deeds, at Page 624, records of Jefferson County, Idaho, and the 100 inches conveyed by deed recorded in Book 83 of Deeds, at Page 531, records of Jefferson County, Idaho.~~

100 miners inches, priority June 1, 1885, and 100 miners inches, priority June 2, 1889, waters of South Fork of Snake River, being the 100 inches conveyed by Howard Streeper by deed recorded in Book 41 of Deeds, at Page 624, records of Jefferson County, Idaho, and the 100 inches conveyed by deed recorded in Book 83 of Deeds, at Page 531, records of 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 1-177A
Date Received: 11/28/1988
Receipt No: E004446
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: 06/02/1889

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	27	NW NW SW	JEFFERSON	
04N	40E	29	NE NW	JEFFERSON	

5. Description of diverting works:

HEADGATE OF CHENEY DITCH/ pump in 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	0.76	

7. Total Quantity Appropriated is:
0.76 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:

P/D STEELE DITCH T04N,R40E,SEC 27 SENWSW P/D CHENEY DITCH T04N,R40E,SEC 27
NWNWSW THIS RIGHT CHANGED TO REFLECT THAT 01-0177B SHOULD INCLUDE A TOTAL OF 2.00 CFS
AS EVIDENCED BY MORTGAGE AGREEMENT DATED SEPT 29,1950. SEE ATTACHED COPY.
TRANSFER # 523

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.

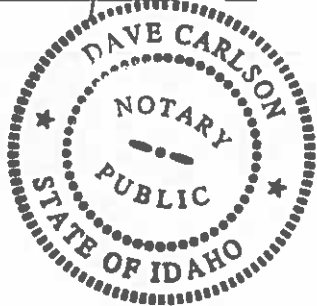
Signature of Claimant(s): B. A. Scott Date: 5-19-05

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

Regen, Id

My commission Expires

2/26/2008

SCANNED

AUG 22 2001

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: A01-00177A
Date Received: 11/28/1988
Receipt No: E004446
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: R GENE SCOTT 208-538-7431
Address: 163 NORTH 4700 EAST
RIGBY ID 83442

2. Date of Priority: JUN 2, 1889

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
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	4.000		
STOCKWATER	04/01	11/01	0.050		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	29	NW	NE		IRR	11.0
			NW	NE		STOCK	
			SW	NE		IRR	36.0

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NOV 05 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	29	SW	NE		STOCK	
			SE	NE		IRR	28.0
			SE	NE		STOCK	
			NE	NW		IRR	21.0
			NE	NW		STOCK	
			NW	NW		IRR	32.0
			NW	NW		STOCK	

Section Acres 128.0

Total Acres	128.0
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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:
01-0245

14. Remarks:

P/D STEELE DITCH T04N,R40E,SEC 27 SENWSW
P/D CHENEY DITCH T04N,R40E,SEC 27 NWNWSW
THIS RIGHT CHANGED TO REFLECT THAT 01-0177B SHOULD INCLUDE A
TOTAL OF 2.00 CFS AS EVIDENCED BY MORTGAGE AGREEMENT DATED
SEPT 29,1950. SEE ATTACHED COPY.
TRANSFER # 523

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO.
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
vs Decree Defendant

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: 1

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: 4-20-95

Date: _____

State of Idaho)
County of Bonneville) SS.

R. GENE SCOTT

Subscribed and sworn (or affirmed) before me this 20th day

of April 19 95

Shirley Vinson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 9-8-98



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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: A01-00177A
Date Received: 8/30/1988
Receipt No: E004446
Received By: Cur

RECEIVED

NOV 28 1988

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Eastern District Office

1. Name: R. GENE SCOTT
Address: 163 NORTH 4700 EAST
RIGBY, ID

208-538-7431

83442

2. Date of Priority: JUN 02, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE OF CHENEY DITCH OR STEELE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		
STOCKWATER	04/01	11/01	0.050		

7. Total Quantity Appropriated is:
4.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	29	NW	NE		IRR	11.0

A01-00177A

Page 1

Date: 09/16/88

A0100177A



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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	29	NW	NE		STOCK	
			SW	NE		IRR	36.0
			SW	NE		STOCK	
			SE	NE		IRR	28.0
			SE	NE		STOCK	
			NE	NW		IRR	21.0
			NE	NW		STOCK	
			NW	NW		IRR	32.0
			NW	NW		STOCK	
						Section Acres	128.0
						Total Acres	128.0

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:
01-0245

14. Remarks:
P/D STEELE DITCH T04N,R40E,SEC 27 SENWSW
P/D CHENEY DITCH T04N,R40E,SEC 27 NWNWSW
THIS RIGHT CHANGED TO REFLECT THAT 01-0177B SHOULD INCLUDE A
TOTAL OF 2.00 CFS AS EVIDENCED BY MORTGAGE AGREEMENT DATED
SEPT 29,1950. SEE ATTACHED COPY.
TRANSFER # 523

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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. Lee Scott Date: 11-28-88

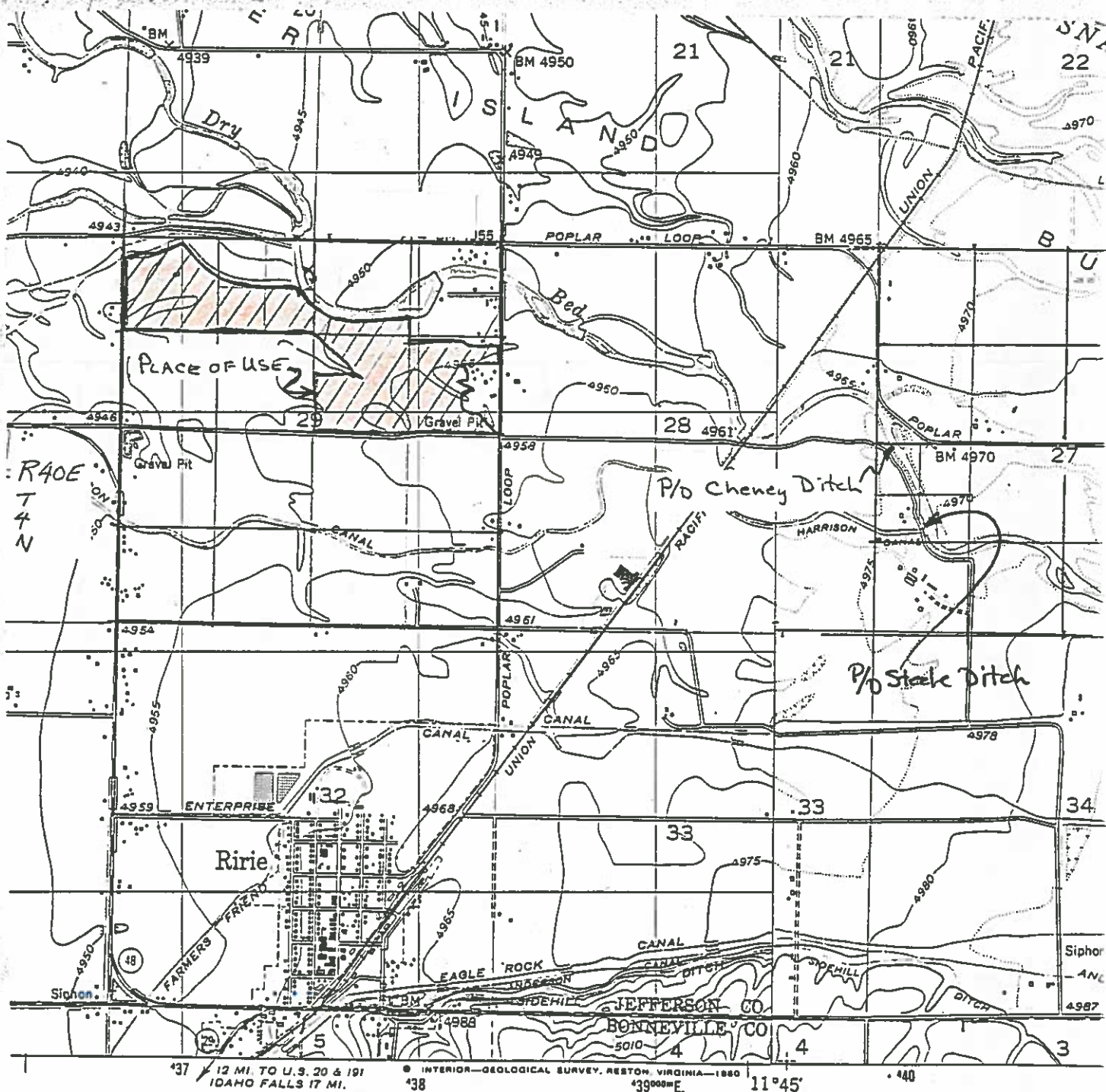
Date: _____

State of Idaho)
County of Bennville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Nov 19 88 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



Mapped, edited, and published by the (

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OCT 19 1992

A 01-00177A