

10/05/2004

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

RIGHT NUMBER: 25-234
NAME AND ADDRESS: KENT SKAAR
421 N 3200 E
LEWISVILLE ID 83431

DUWAYNE SKAAR
421 N 3200 E
LEWISVILLE ID 83431

JUSTIN SKAAR
421 N 3200 E
LEWISVILLE ID 83431

SOURCE: EMIGRANT CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 4.300 CFS
PRIORITY DATE: 06/01/1888

In times of scarcity, this right shall be subordinate to all surface water rights diverted from the Snake River and its tributaries, with a priority date earlier than December 16, 1910, as adjudicated by the court in Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al. (Sixth Judicial District, Fremont County, December 16, 1910), commonly known as the Rexburg Decree.

POINT OF DIVERSION:

T05N R38E S19 SWSWSW Lot 4 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	4.300 CFS

PLACE OF USE:

IRRIGATION Within JEFFERSON County

T05N R37E S26 Lot 3 NESW	4.8	T05N R37E S26 Lot 5 NESW	14.0
T05N R37E S26 Lot 4 SESW	2.9	T05N R37E S26 Lot 8 SESW	5.2
T05N R37E S26 NESE	39.0	T05N R37E S26 Lot 3 NWSE	40.0
T05N R37E S26 Lot 4 SWSE	40.0	T05N R37E S26 SESE	37.0
T05N R37E S35 NENE	36.0	T05N R37E S35 NWNE	40.0
T05N R37E S35 SWNE	37.0	T05N R37E S35 SENE	35.0
T05N R37E S35 Lot 1 NENW	26.0	T05N R37E S35 SENW	18.0

374.9 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 374.9 acres in a single irrigation season. Combined Right Nos.: 25-234, 25-235, and 25-236.

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

Water Right 25-234

PROFILED
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OCT 13 2004

10/04/2004

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

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.

Rights have also been claimed to water from Basin 01 for the same purpose of use at the same place of use described above, which will be included in a Directors Report to be filed at a later date. Any water rights recommended in the Basin 01 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 01 rights.

EXPLANATORY MATERIAL: Decreed

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.

Use of this right is combined with water from Long Island Irrigation Co.

Water is delivered through Bear Trap Canal.

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OCT 13 2004

AJ5809NP
No. A25-00234

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00
PAGE: 7

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KENT SKAAR	06/01/1888	IRRIGATION	04-01 11-01	4.300 CFS	
C	JUSTIN SKAAR					
C	DUWAYNE SKAAR					
	421 N 3200 E					
	ROBERTS ID 83444					
	(208) 754-4534					
				TOTAL DIVERSION:	✓ 4.300 CFS	
				CONSUMPTIVE USE:		1070.00 AFA

LEWISVILLE

83431

Water Source: EMIGRANT CREEK

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T05N R38E S19

SWSW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE															
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENE		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
05N	37E	26	:					20		20	:								15					05	:		38	03-43	04-41		40	:	222.0		
05N	37E	35	:	38		38		39		39	:	01	33		19	:																		206.0	
																												TOTAL ACRES		428.0					

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: A25-00235/00236/A01-00354

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A25-00235 A25-00236 A25-00237 A25-00238 A25-00239 A25-00240 A25-00241 A25-00242 A25-00245 A25-10726
A25-11218 A25-11219

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00109G A01-00110E A01-00111E A01-00112E A01-00113E A01-00114C A01-00115S A01-00317 A01-00354 A25-00230F
A25-00235 A25-00236 A25-00245 A25-00246C A25-00261A A25-00261B A25-11218 A25-11219

Dates: Exam Made Date: Verified Date: 05/20/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

Audit: 10/24/88 MCC 03/29/95 POST-STD

LOUIS SKAAR & SONS, INC.

Livestock and Farming

421 NORTH 3200 EAST
LEWISVILLE, IDAHO 83431
(208) 754-4534 • FAX (208) 754-4561

RECEIVED

OCT 19 2004

DEPARTMENT OF
WATER RESOURCES

MH

October 14, 2004

RECEIVED

OCT 25 2004

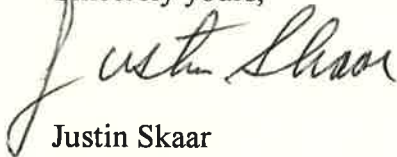
Department of Water Resources
Eastern Region

IDWR Regional Office
900 N. Skyline Dr. Ste A,
Idaho Falls, ID. 83402

Dear IDWR,

We would like to inform you that Kent Skaar, has been bought out of the partnership as of May 1997, and therefore he has no ownership to these water rights and we would like to have his name removed. If you have any questions please feel free to contact me at the office 754-4534.

Sincerely yours,



Justin Skaar
Skaar Bros. Partnership

SCANNED

OCT 21 2004

333849

Instrument # _____
RIGBY, JEFFERSON, IDAHO
2004-09-08 **10:48:00 No. of Pages: 2**
Recorded for : FIRST AMERICAN TITLE
CHRISTINE SOULTER **Fee: 6.00**
Ex-Officio Recorder Deputy _____
Index to: QUIT CLAIM DEED

THIS INDENTURE, made this 24th day of August, 2004, between KENT SKAAR and SARAH SKAAR, his wife, of 413 North 3200 East, Lewisville, Jefferson County, Idaho, the Grantor, and SKAAR BROTHERS FARMS, a partnership consisting of DuWAYNE SKAAR and JUSTIN SKAAR, of 421 North 3200 East, Lewisville, Jefferson County, Idaho, the Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said Grantee, and to Grantee heirs and assigns, forever, all the following described real estate, situated in Jefferson County, Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Together with all water rights appurtenant thereto.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee, and to Grantee heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Kent Skaar
KENT SKAAR

Sarah Skaar
SARAH SKAAR

STATE OF IDAHO)
)ss
County of)

RECEIVED BY
ASSESSOR

For PLATTING

Date 9/8/02

Date 9/8/02 Time 10:08

On this 30 day of August, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared KENT SKAAR and SARAH SKAAR, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they/she/he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

(seal)

ROBIN K. OLSEN
Notary Public
State of Idaho

Notary Public for Idaho

Residing at: Moscow, U.S.S.R.

Commission Expires: MY COMMISSION EXPIRES
January 16, 2009

January 16, 2009
BUNDED TIRU NOTARY PUBLIC (INDIA) WRITERS

NW1/4 NE1/4; Section 12
Township 4 North Range 37 E.B.M.

E1/2 SE1/4 SW1/4
W1/2 SE1/4 South of Drybed
Less Tax 3 Section 1
Township 4 North Range 37 E.B.M.

Lots 3,4,5,8, E1/2 SE1/4;
Section 26 Township 5 North Range 37 E.B.M.

Lot 1; NE1/4;
SE1/4 NW1/4 North and East of Spring Creek;
Section 35 Township 5 North Range 37 E.B.M.

N1/2 NE1/4 SW1/4; N1/2 N1/2 SE1/4; Less Tax 8.
Section 11, Township 4 North Range 37 E.B.M.

S1/2 NW1/4 Less 60 x 26 2/3 rods in the Northeast Corner
& less 312 feet x 150 feet in the Southwest corner;
Section 11 Township 4 North Range 38 E.B.M.

Township 5 North, Range 38 East of the Boise Meridian,
Jefferson County, Idaho.

Section 19: The East Half of the Northwest Quarter
(E1/2NW1/4); the Northwest Quarter of the
Northeast Quarter (NW1/4NE1/4); and Lots 1
and 2.
EXCEPTING THEREFROM: Beginning at a point
that is South 1338 feet from the Northwest
Corner of Lot 1, Section 19, Township 5
North, Range 38, East of the Boise Meridian,
and running thence East 195 feet, thence
South 220 feet, thence West 195 feet,
thence North 220 feet to the point of
beginning.

TOGETHER WITH all ditch and water rights appurtenant
thereto, however evidenced, and more particularly,
but not limited to, 150 shares of the capital stock
of the Deer Park Canal Company, 100 miners inches in
the Bear Trap Slough with date of priority as of
June 1, 1892, and 238.10 shares of the capital stock
of the Long Island Canal and Irrigating Co.

Township 5 North, Range 38 East of the Boise Meridian,
Jefferson County, Idaho.

Section 18: Beginning at the SW Corner of said Section 18
and running thence North 1054 feet, said
point being on the North Bank of an existing
irrigation ditch; thence Easterly following
the North bank of said existing irrigation
ditch to the point of intersection with the
East line of Lot 4; thence South along the
East line of Lot 4 a distance of 1100 feet,
more or less, to the South line of said
Section 18; thence West along the South line
of said Section 18 a distance of 2500 feet,
more or less, to the point of beginning.

SUBJECT TO patent reservations, easements and rights-of-way
for highways, roads, ditches, canals, pole, power and
transmission lines as they exist and all existing zoning
ordinances and applicable building codes, laws and regulations.

TOGETHER WITH 63.3 inches of Independent Slough water
appurtenant to the above described real estate.



10/04/2004

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OCT 19 2004
DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-234

KENT SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208) 754-4534

DUWAYNE SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208) 754-4534

JUSTIN SKAAR
421 N 3200 E
LEWISVILLE ID 83431
Telephone Number: (208) 754-4534

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

10-13-04

SIGNATURE:

Justin Skaar

Please print your name:

JUSTIN SKAAR

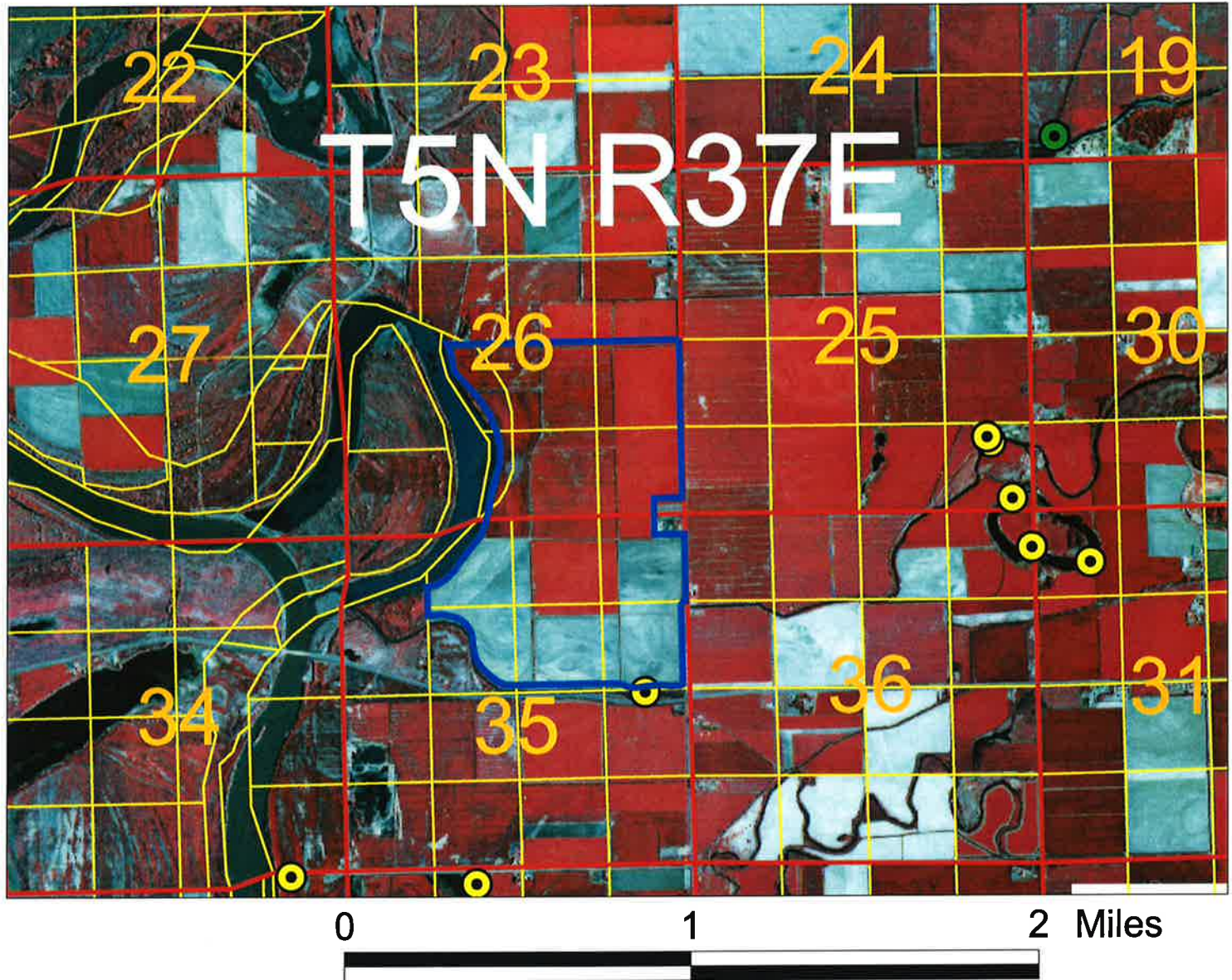
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
OCT 21 2004



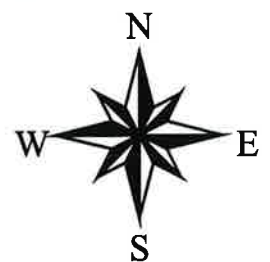
Department of Water Resources

Claim Nos.: 25-00234, 25-00235,
and 25-00236



-  Place of Use
-  Point of diversion
-  Sections
-  QQ

PROFILED



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: October 2004

25-234/235/236/261B

8/14/2003

Johnson → Green Bros →
Oxbow Farms → Deer Park Farms
→ Spear

A0006133

GPS PT 022

E 0657611

N 0295452

P/D FOR 25-234, 235, 236

POU IS SAME FOR 25-234, 235, 236 + 261B

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OCT 13 2004

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25-234

4.30 CFS

6/1/1888

25-235

3.28 CFS

6/1/1896

25-236

3.16 CFS

1/22/1916



F.S. JOHNSON
~ 400 ACRES

POU: 5N 37E 26 E $\frac{1}{2}$ SE $\frac{1}{4}$, LOTS 3 + 4
35 LOT 1, SE NW, + NE $\frac{1}{4}$

P/D: 5N 37E 19 SWSW

SOURCE: EMIGRANT CREEK

SEE DECREE FOR RESTRICTION ON POU.

PRIORITIES AND RIGHTS OF THIS DECREE
SUBORDINATE TO RIGHTS + PRIORITIES OF
REXBURG DECREE.

DECREE MISTAKENLY LISTS P/D AS 5N 37E.
SHOULD BE 5N 38E 19 SWSW.

* RECOMMENDATION SHOULD CONTAIN REMARK
EXPLAINING THAT IN TIMES OF SCARCITY,
PRIORITY DATE IS ONE DAY AFTER MOST
JR PRIORITY IN REXBURG DECREE.

SHOULD CONTAIN ANOTHER REMARK LIMITING
TRANSFERS OF POU TO AREA DESCRIBED IN DECREE.

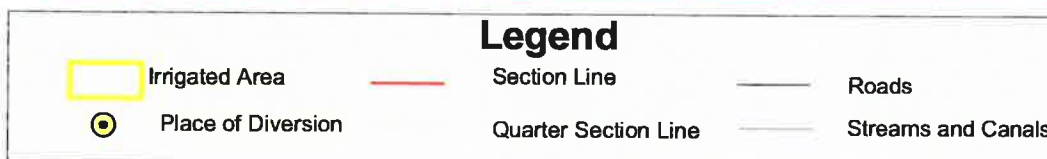
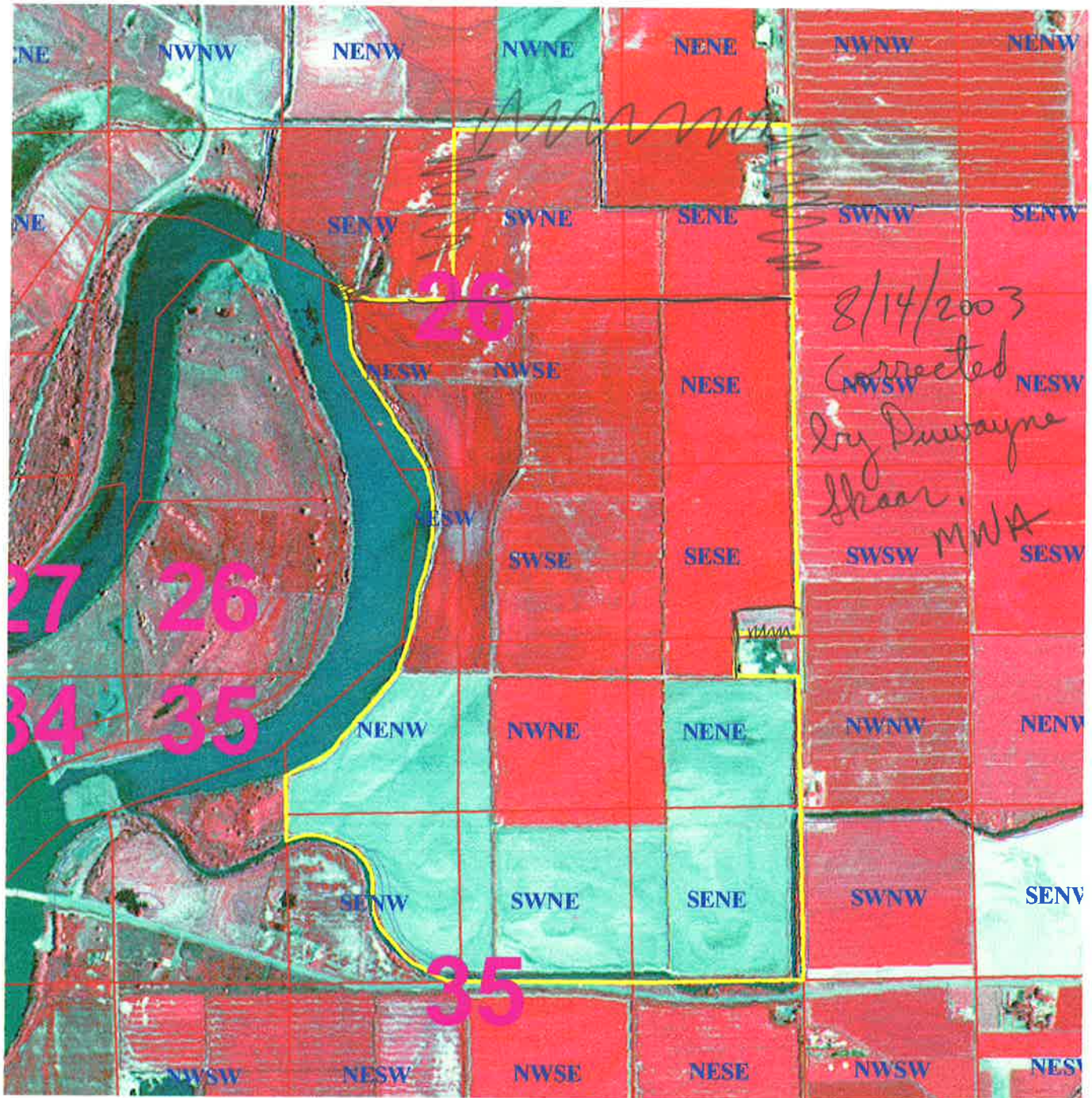
SCANNED

OCT 13 2004

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Water Right Claim Number 25-00234
Township , 5N37E

12/14/2000

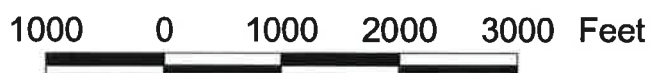
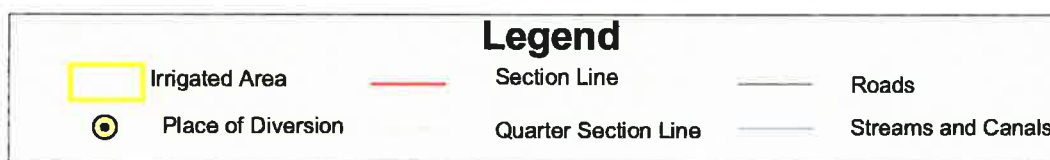
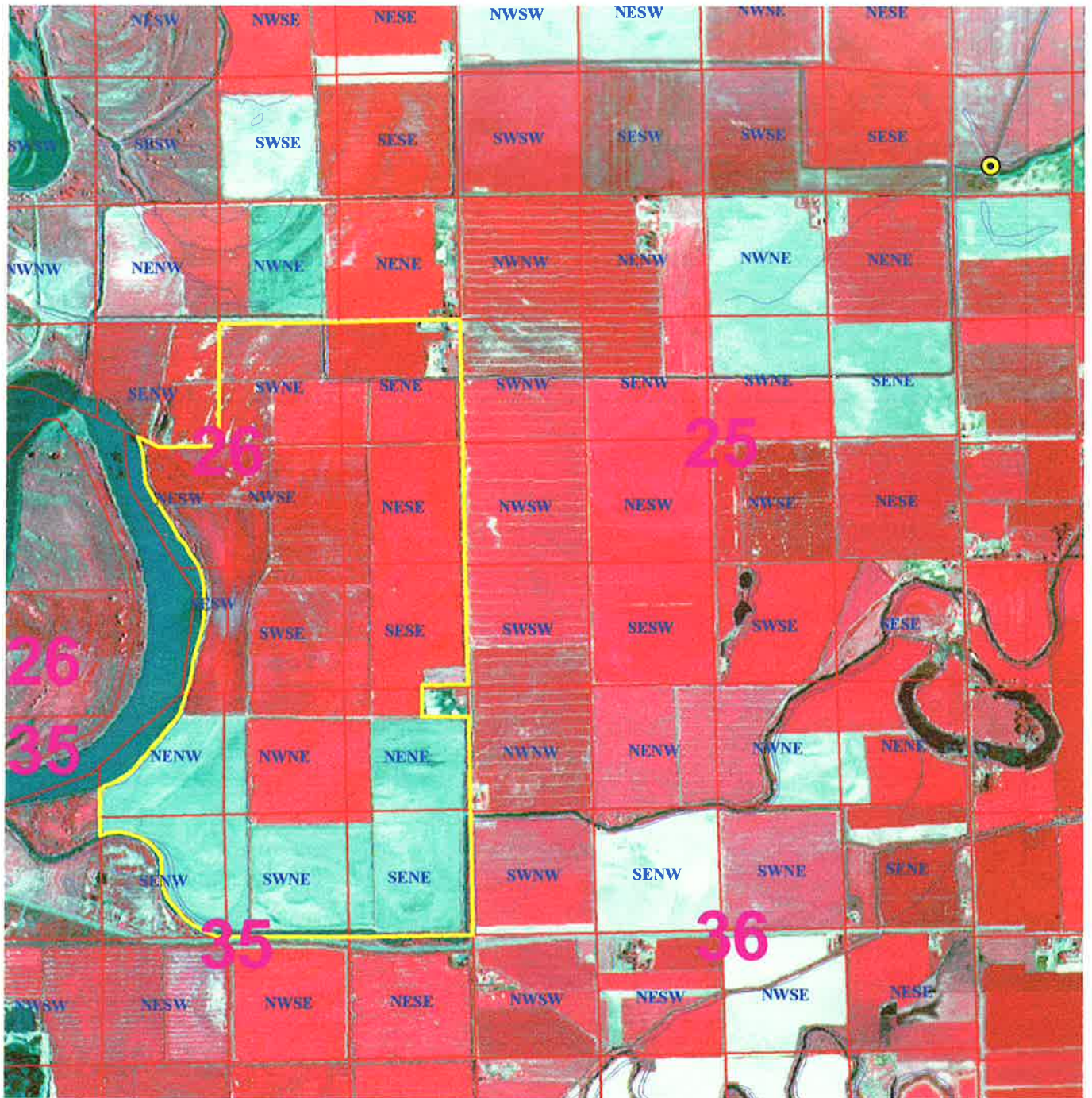


SPATIAL
DYNAMICS



Water Right Claim Number 25-00234 Township , 5N37E

12/14/2000



 SPATIAL DYNAMICS



JUL 27 1991

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: A25-00234✓
Date Received: 10-24-88
Receipt No: E003462
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	KENT SKAAR	208-754-4534
Address:	421 N 3200 E	
	ROBERTS, ID	83444
AND/OR		
Name:	JUSTIN SKAAR	208-754-4534
Address:	421 N 3200 E	
	ROBERTS, ID	83444
AND/OR		
Name:	DUWAYNE SKAAR	208-754-4534
Address:	421 N 3200 E	
	ROBERTS, ID	83444

A2500234



2. Date of Priority: JUN 01, 1888

3. Source: EMIGRANT CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	38E	19	SW	SW			JEFFERSON

5. Description of diverting works:
HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.300		

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

8. Total consumptive use is 1070.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A25-00234

Page 1

Date: 10/24/88

MICROFILMED

NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	37E	26	SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		SW		IRR	15.0
			SE		SW		IRR	5.0
			NE		SE		IRR	38.0
			NW		SE	3	IRR	43.0
			SW		SE	4	IRR	41.0
			SE		SE		IRR	40.0
							Section Acres	222.0
		35	NE		NE			IRR
NW			NE			IRR	38.0	
SW			NE			IRR	39.0	
SE			NE			IRR	39.0	
NE			NW			IRR	33.0	
SE			NW			IRR	19.0	
					Section Acres	206.0		
					Total Acres	428.0		

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:
A25-00235/00236/A01-00354

14. Remarks:

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

HJALMAR ANDERSON ET AL
Decree Plaintiff

vs LYNN CRANDALL.
Decree Defendant

MICROFILMED
NOV 10 1992

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): Kent Shoor Date: 10-24-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of Oct 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94