

09/30/2004

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

RIGHT NUMBER: 25-4086

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO
755 N 3400 E
MENAN ID 83434

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T05N R38E S26 NESWNW 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	54.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

3490 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-4086

PROFILED
1

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OCT 06 2004

09/30/2004

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

The source of this right is waste water originally diverted by Long Island Irrigation Co.

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.

Right No. 25-4085 is also diverted through point of diversion described above.

Stockwater use is for 600 range cattle.

Water Right 25-4086

PROFILE

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OCT 06 2004

Boundary of Service Area for Independent Irrigation Co

Claim No.: 25-4085, 25-4086

- Service Area
- Township/Range
- Section

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: E. Carlsen
Date: August 2004

0 0.5 1 1.5 2 Miles

T05N R37E

T05N R38E

14

13

18

17

23

24

19

20

2

22

25

30

29

28

27

Point of Diversion

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

Case No. 39576

Subcase No. 25-04086

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Independent Irrigation Co.

W. Ronald Shippen
W. Ronald Shippen
President

Date

9-6-05

Gerald Raymond
Gerald Raymond
Secretary

Date

9/13/05

STANDARD FORM 5 – 25-04086

SCANNED

SEP 29 2005

PROFILES

enault

OBJECTOR(s):

Bureau of Land Management

 9/21/05
Larry A. Brown MB Date
Attorney for BLM

IDWR Concurrence:

 9-22-05
Ernest Carlsen Date
IDWR Adjudication Supervisor

 8/22/05
Chris M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 25-4086

NAME AND ADDRESS: INDEPENDENT IRRIGATION CO
755 N 3400 E
MENAN ID 83434

SOURCE: WASTE WATER

TRIBUTARY: SCOTTS SLOUGH

QUANTITY: 54.000 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T05N R38E S26 NESWNW 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	54.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE:

3490 ACRES TOTAL

Place of use is within the area served by Independent Irrigation Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use does not include federal public lands

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

The quantity of water decreed for this water right for stock water use is not a determination of historical beneficial use.

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.

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 - Beneficial Use

Right No. 25-4085 is also diverted through point of diversion described above.

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

Stockwater use is for 600 range cattle.

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

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

The source of this right is wastewater originally diverted by Long Island Irrigation Co.

JS JR MB
EMC

CERTIFICATE OF MAILING

I certify that on September 22, 2005, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Independent Irrigation Co.
755 N. 3400 E.
Menan, ID 83434

Blair J. Grover
Grover & Butikofer, PA
P.O. Box 36
Rigby, ID 83442

Kathy Jackson
Signature of person or attorney mailing the form

PROFILE

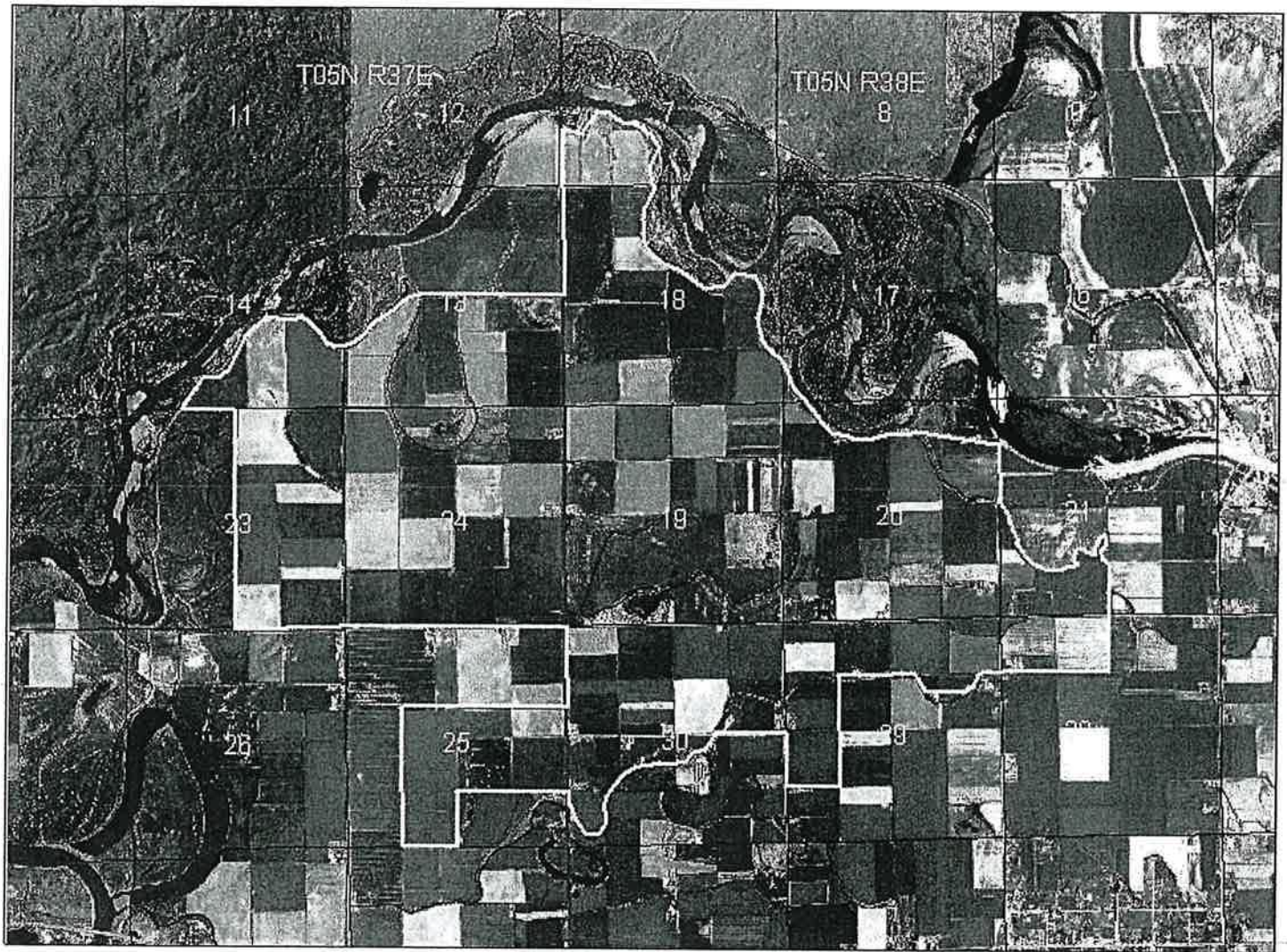
SCANNED
SEP 29 2005

Department of Water Resources

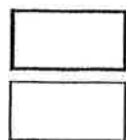
Water Right No.: 25-4085, 25-4086

Independent Irrigation Co.

ms MB JR EMC



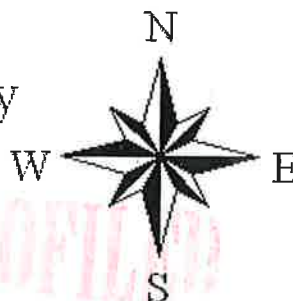
0 1 2 3 Miles



Service Area Boundary

Township/Range

Sections



GIS Place of Use Illustration

1987 NAPP Photography

Prepared by: Ernie Carlsen

Date: August 2005

SEP 29 2005

Menan, Idaho
October 21, 2004

To Department of Water Resources;

I have been involved in managing the Independent Irrigation Company for the last 40 years. This Canal Company is very unique in that it picks up a lot of spring water as well as overflow from the Long Island Irrigation Co. along with our decreed water. Usually after the water has been turned in, we build up to 7 to 11 streams, in the Independent and Deer Park Canal combined.

I feel we need some documentation to assure us the right to manage the water that comes into the Independent, regardless of what sources. We would use it, or turn it back into the river depending on the circumstances.

We appreciate what the Department of Water Resources is doing. It is a very important task. We know you are trying to find a solution to our problem.

Sincerely,

A handwritten signature in cursive script that reads "W. Ronald Shippen".

W. Ronald Shippen
Pres. Of Independent Irrigation Co.

SCANNED
DEC 01 2004

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Some of the Long Island Laterals that go into the Independent Irrigation Co.

Fisher 1636.46 Inches

Green 2079.80 Inches

Gray 2060.63 Inches

Scott 880.54 Inches

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DEC 01 2004

PROFILED

SEPT 27,2004

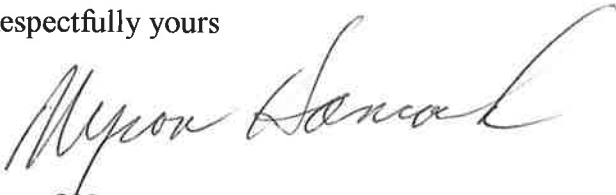
WATER RESOURCE BOARD:

To whom it may concern:

I'm writing in regards to the DEERE PARK CANNAL and it's water flow. I've been the water master for the past 10 years and also served on the board for over 30 years.

I am writing to verify that this canal on the average, during the summer months carries on the average 4 to 6 large streams of water. These streams consist of 14 to 20 six inch siphon tubes of water per stream.

Respectfully yours

A handwritten signature in cursive script, appearing to read "Myron Hancock".

MYRON HANCOCK

WATER MASTER

SCANNED

DEC 01 2004

PROFILED



9/22/2004
SCANNED

OCT 0 6 2004

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This is point where the Long Island
Canal delivers water from the Snake River
into the independent system. Per Harold
Shipper, I got the river about for 3 weeks.



9/22/2004

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OCT 06 2004

P/D RECOMMENDED FOR SCOTTS SLOUGH.
CHECK STRUCTURE SHOWN IS POINT WHERE NATURAL
CHANNEL WOULD FLOW IF UNOBSTRUCTED.



9/22/2004

SCOTTS SLOUGH P/D

SCANNED

OCT 06 2004

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Holliday, Michael

From: Bromley, Chris
Sent: Friday, July 30, 2004 11:40 AM
To: Holliday, Michael
Subject: RE: scotts slough

Thanks for pointing this out.

I'm not clear how Independent believes it can use the district court or supreme court decisions to support a claim to 132 cfs in 25-4086.

The amount of water directly at issue in each decision was 44 cfs. Both courts expressly stated this fact. The district court stated that the place of use for the 44 cfs was 2,200 acres (acreage and amount are consistent with Idaho's one inch per acre guideline). The supreme court affirmed the district court's finding that Independent was entitled to 44 cfs.

The only other water mentioned--by the supreme court only--was Independent's right to irrigate 1,700 acres with water from the Snake River that was diverted by means of Scott Slough. At one inch of water per acre, Independent would seemingly have an additional right to approximately 34 cfs of Snake River water in Scott Slough, which is no where near 132 cfs.

Based on the claims, I would say that the evidence supports 25-4585. However, I would recommend 25-4086 denied and see what Independent comes forward with in support.

Chris

-----Original Message-----

From: Holliday, Michael
Sent: Thursday, July 29, 2004 4:22 PM
To: Bromley, Chris
Subject: scotts slough

Hi Chris.

Following up from our meeting yesterday, Independent Irrigation Co. has 2 claims (25-4085 and 25-4086) which refer to the Supreme Court decision we discussed. 25-4085 appears to have been quantified, at least in the initial court proceeding, but 25-4086 seems to be based on some statement by the judge in one of the decisions saying that inflow into the slough exceeds 44 cfs. See remarks on the claim. Hope this helps.

Michael Holliday
Water Resource Agent
Adjudication Bureau
(208)525-7161

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OCT 06 2004

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Independent Irrigation Company

(Name of Claimant)

c/o Ronald Shippen, Box 75, Menan, ID

(Mailing Address)

Telephone No. 754-4157

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1884

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Scott Slough tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>132 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>		
Quantity <u>25 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>Nov. 1</u>	To <u>Apr. 1</u>		
Quantity	Use	Period of Use From	To		
Quantity	Use	Period of Use From	To		
Quantity	Use	Period of Use From	To		

(4) 132 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NW ¼, Sec. 26 Twp. 5N Rge. 38E 8.M., County of Jefferson

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 14' drop check in concrete 10' structure

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	38E	18																	
		19																	
		20																	
		21																	
		28																	
		29																	
		30																	
5N	37E	25																	

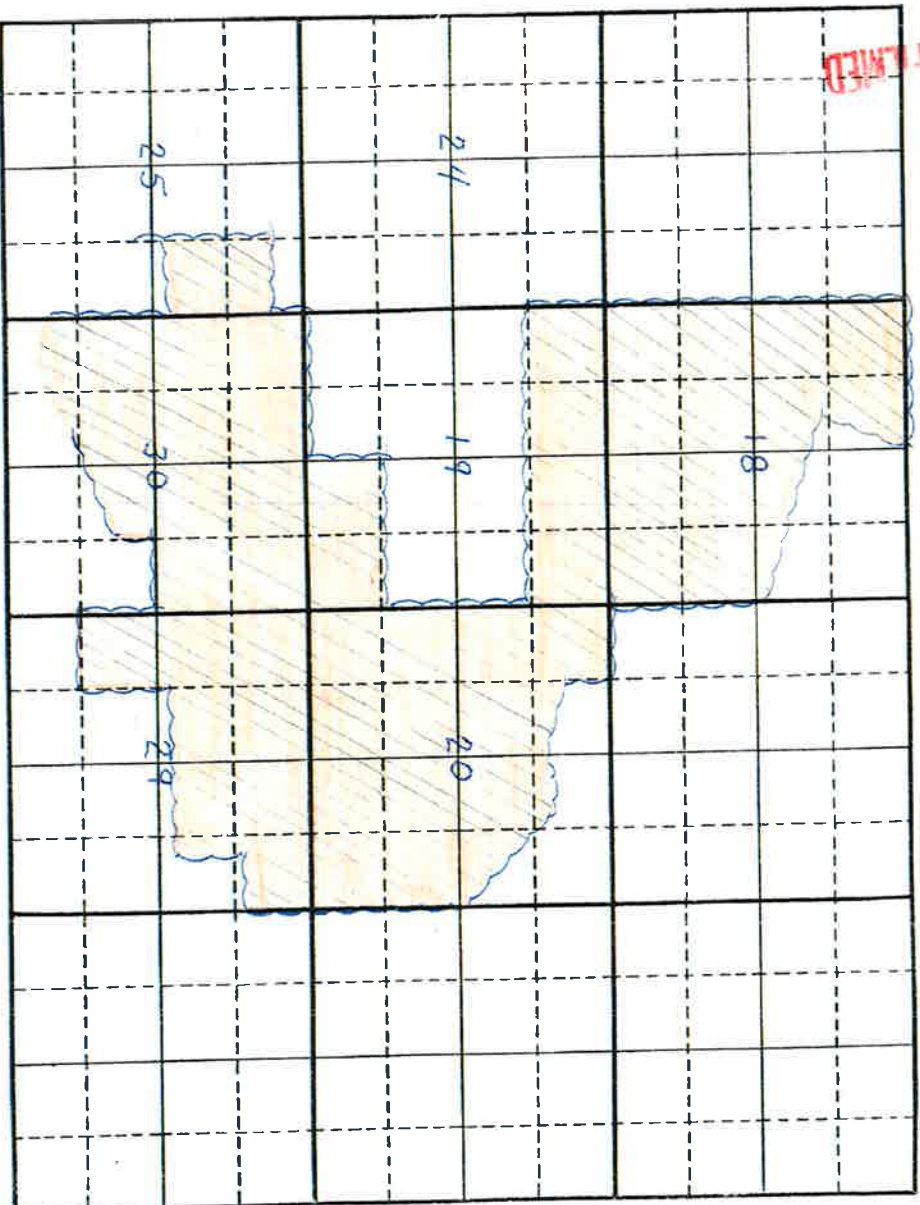
No. of acres 2,200

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: Independent Irrigation Company

Remarks Independent Irrigation Company has traditionally distributed up to four (4) inches per acre to irrigate lands within the companies' system. This claim is filed to evidence this use.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Bingham) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 6th day of

February

1981

W. Donald Shipman
(Claimant)

Notary Public

Residing at Facts, Idaho

My commission expires

2/19/82

FOR DEPARTMENT USE ONLY

Received by

CRC

Date 2-7-81

Exception filed by:

Forwarded to

Date

Prelim. check by

CRC

Date 2/6/81

Exception filed by:

Forwarded to

Date

Published in

The Rigby Star

Date 2-6-81

Exception filed by:

Forwarded to

Date

Dates

2/19 & 2/26/81

Exception filed by:

Forwarded to

Date

SCANNED

JUL 10 2001

25-
04086

May 6, 1991

Independent Irrigation Co.
755 N. 3400 E.
Menan, ID 83434

RE: **Evidence of Priority**

Dear Sir:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority dates by **June 6, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED
NOV 10 1992

Independent Irrigation Co.

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

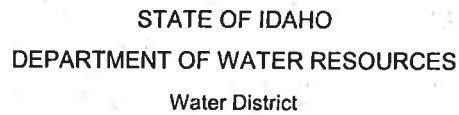
A25-04085
INDEPENDENT IRRIGATION CO.
755 N. 3400 E.

MENAN ID 83434

A25-04086
INDEPENDENT IRRIGATION CO.
755 N. 3400 E.

MENAN ID 83434

MICROFILMED
NOV 10 1992



Meas. No. _____

Comp. by _____

Checked by _____

Station No. INDEPENDENT CANAL

Date 9/22, 2004

Party HOLLIDAY/MIKESELL

Width 8.2 Area 27.3

Vel. 1.42

G.H.

Discharge 38.59

Method _____ No. Secs. _____

G.H. chng _____ in _____ hrs. Susp. _____

Method coef. _____ Hor. Angle coef. _____

Susp. Coef. _____ Meter No. _____

GAGE READINGS				Type of meter
Time		Recorder	Inside	Outside
				Date Rated _____ for rod, other
				Meter _____ ft above bottom of weight
				Spin before Meas. _____ after _____
				Meas. plots _____ % diff. from rating _____
				Wading, cable, ice, boat, upstr., downstr., side
				bridge _____ feet, mile, above, below
				gage, and _____
				Check-bar, found _____
				changed to _____ at _____
				Correct _____
				Levels obtained _____
Weighted M.G.H.				
G.H. correction				
Correct M.G.H.				

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%) based on following conditions: cross section _____

Flow _____ Weather _____

Other _____ Air _____ °F@ _____

Gage _____ Water _____ °F @ _____

Record removed Intake flushed- U / L

Observer _____

Control _____

Remarks _____

G.H. of zero flow _____ ft.

~~SCANNED~~

OCT 06 2004

SEP 08 2004
FILED

RECEIVED

APR 19 2002

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

Department of Water Resources
Eastern Region

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 25-4086
Date Received:
Receipt No: E006260
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

INDEPENDENT IRRIGATION CO Phone: (208)754-4733

755 N 3400 E
MENAN ID 83434

2. Date of Priority: 06/01/1884

3. Source: WASTEWATER
SPRINGS

Trib. to: SCOTT SLOUGH
SCOTT SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	38E	21	SE SE SW	JEFFERSON	
05N	38E	28	NW NW NE	JEFFERSON	

5. Description of diverting works:

HEADING FOR INDEPENDENT CANAL - CONCRETE WITH METAL SCREW GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	132	
STOCKWATER	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
132 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
----------	-------	---------	----------------	-----

PROFILED
Acres

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OCT 06 2004

05N	37E	25	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
						Section Acres	80
05N	38E	7	SW	SW	10	IRRIGATION	30
						Section Acres	30
05N	38E	18	SW	NE	17	IRRIGATION	10
			SE	NE	17	IRRIGATION	10
			NE	NW	7	IRRIGATION	22
			NW	NW	8	IRRIGATION	40
			SW	NW	9	IRRIGATION	40
			SE	NW	10	IRRIGATION	34
			NE	SW	13	IRRIGATION	40
			NW	SW	5	IRRIGATION	40
			SW	SW	6	IRRIGATION	40
			SE	SW	4	IRRIGATION	40
			NE	SE	11	IRRIGATION	27
			NW	SE	12	IRRIGATION	40
			SW	SE	14	IRRIGATION	40
			SE	SE	15	IRRIGATION	40
						Section Acres	463
05N	38E	19	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	38.8
			SW	NW	2	IRRIGATION	38.9
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	38.8
			SW	SW	4	IRRIGATION	38.9
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	635.4
05N	38E	20	NE	NE		IRRIGATION	9
			NW	NE		IRRIGATION	13
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	13
			NW	NW		IRRIGATION	32
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	547

PROFILED

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OCT 06 2004

05N	38E	21	NE	SW	IRRIGATION	5
			NW	SW	IRRIGATION	11
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	37
Section Acres						91
05N	38E	28	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	5
			SE	NW	IRRIGATION	5
Section Acres						90
05N	38E	29	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
Section Acres						200
05N	38E	30	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	39.1
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	39
			NW	SE	IRRIGATION	10
Section Acres						390.1
Total Acres						2526.5

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:

CLAIM AMENDED FOR YEAR AROUND STOCKWATER.

PLACE OF USE REFLECTS LANDS OWNED BY STOCKHOLDERS IN INDEPENDENT CANAL THAT ARE ENTITLED TO WATER FROM SCOTT SLOUGH. INDEPENDENTS RIGHT TO USE WATER FROM SCOTT SLOUGH WAS AFFIRMED IN AN IDAHO SUPREME COURT DECISION ENTITLED INDEPENDENT IRRIGATION CO. VS G. CLYDE BALDWIN, WATERMASTER IN 1926. A BRIEF SUMMARY OF COURTS DECISION IS CONTAINED IN A LETTER WRITTEN BY RON CARLSON, WATERMASTER, COPY ATTACHED. COPIES OF DOCUMENTS AND MAP ARE FILED WITH A25-04085.

PROF

SCANNED

OCT 06 2004

DURING SOME PERIODS OF THE IRRIGATION SEASON INFLOW INTO THE SLOUGH EXCEEDS THE 44 CFS. RECOGNIZED BY THE COURT DECISIONS.
HISTORICALLY THIS INCREASED FLOW HAS ALSO BEEN DIVERTED AND BENEFICIALLY USED BY THE STOCKHOLDERS. THE PURPOSE FOR THIS NOTICE IS TO RECORD THIS USE.

15. Basis of Claim: Beneficial Use

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 Secretary of
Independent Irrigation Co. Title
Organization, that I have signed the foregoing
document in the space below as Secretary of
Independent Irrigation Co. Title
Organization and that the statements contained in the
foregoing document are true and correct. Jeff Raymond
Signature of Authorized Agent
Secretary Independent Irrigation Co.
Title and Organization
15 April 2002
Date

State of Idaho

County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 15th

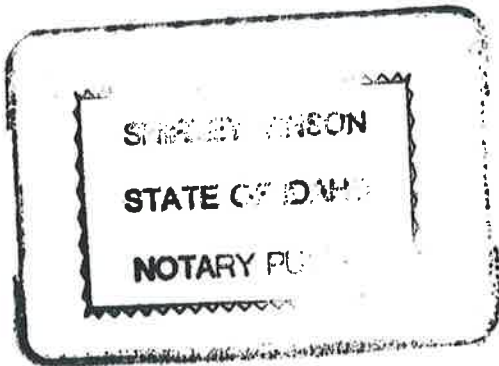
of April 2002

Shirley Vanson

Notary Public

Residing at Rigley, Idaho

My commission Expires 10-5-04



PROFILED

SCANNED

OCT 06 2004

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 25-4086
Date Received:
Receipt No: E006260
Received By:
AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

INDEPENDENT IRRIGATION CO Phone: (208)754-4733

755 N 3400 E
MENAN ID 83434

2. Date of Priority: 06/01/1884

3. Source: WASTEWATER
SPRINGS

Trib. to: SCOTT SLOUGH
SCOTT SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	38E	21	SE SE SW	JEFFERSON	
05N	38E	28	NW NW NE	JEFFERSON	

5. Description of diverting works:

HEADING FOR INDEPENDENT CANAL - CONCRETE WITH METAL SCREW GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	132	
STOCKWATER	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
132 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
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MAILED
3/19/02
JBO

PROFILED

SCANNED

JUL 30 2000

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: A25-04086

Date Received:

Receipt No: 5006260

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: INDEPENDENT IRRIGATION CO.
Address: 755 N. 3400 E.
MENAN, ID

208-754-4733

83434

2. Date of Priority: JUN 01, 1884

3. Source: WASTEWATER
SPRINGS

Trib. to: SCOTT SLOUGH
SCOTT SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	38E	21	SE	SE	SW		JEFFERSON
		28	NW	NW	NE		JEFFERSON

5. Description of diverting works:

HEADING FOR INDEPENDENT CANAL - CONCRETE WITH METAL SCREW GATE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	132.000		
STOCKWATER	11/01	04/01	0.140		

7. Total Quantity Appropriated is:

132.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

6316.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 600 BEEF CATTLE.

MICROFILMED

NOV 10 1992

A2504086

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	37E	25	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			Section Acres				80.0
	38E	7	SW	SW	11	IRR	30.0
			Section Acres				30.0
		18	SW	NE	17	IRR	10.0
			SE	NE	17	IRR	10.0
			NE	NW	7	IRR	22.0
			NW	NW	8	IRR	40.0
			SW	NW	9	IRR	40.0
			SE	NW	10	IRR	34.0
			NE	SW	13	IRR	40.0
			NW	SW	5	IRR	40.0
			SW	SW	6	IRR	40.0
			SE	SW	4	IRR	40.0
			NE	SE	11	IRR	27.0
			NW	SE	12	IRR	40.0
			SW	SE	14	IRR	40.0
			SE	SE	15	IRR	40.0
			Section Acres				463.0
		19	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW	1	IRR	38.8
			SW	NW	2	IRR	38.9
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW	3	IRR	38.8
			SW	SW	4	IRR	38.9
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				635.4
		20	NE	NE		IRR	9.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	38E	20	NW		NE		IRR	13.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	13.0
			NW		NW		IRR	32.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	547.0
		21	NE		SW		IRR	5.0
			NW		SW		IRR	11.0
			SW		SW		IRR	38.0
			SE		SW		IRR	37.0
							Section Acres	91.0
		28	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	5.0
			SE		NW		IRR	5.0
							Section Acres	90.0
		29	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
							Section Acres	200.0
		30	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	38E	30	NW	NW	1	IRR	39.0
			SW	NW	2	IRR	39.1
			SE	NW		IRR	40.0
			NE	SW		IRR	23.0
			NW	SW	3	IRR	39.0
			NW	SE		IRR	10.0

Section Acres 390.1

Total Acres 2526.5

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:

WATER FROM SNAKE RIVER THRU LONG ISLAND AND INDEPENDENT CANA

14. Remarks:

PLACE OF USE REFLECTS LANDS OWNED BY STOCKHOLDERS IN INDEPENDENT CANAL THAT ARE ENTITLED TO WATER FROM SCOTT SLOUGH. INDEPENDENT'S RIGHT TO USE WATER FROM SCOTT SLOUGH WAS AFFIRMED IN AN IDAHO SUPREME COURT DECISION ENTITLED INDEPENDENT IRRIGATION CO. VS G. CLYDE BALDWIN, WATERMASTER IN 1926. A BRIEF SUMMERY OF COURT'S DECISION IS CONTAINED IN A LETTER WRITTEN BY RON CARLSON, WATERMASTER, COPY ATTACHED. COPIES OF DOCUMENTS AND MAP ARE FILED WITH A25-04085. DURING SOME PERIODS OF THE IRRIGATION SEASON INFLOW INTO THE SLOUGH EXCEEDS THE 44 CFS. RECOGNIZED BY THE COURT DECISIONS. HISTORICALLY THIS INCREASED FLOW HAS ALSO BEEN DIVERTED AND BENEFICIALLY USED BY THE STOCKHOLDERS. THE PURPOSE FOR THIS NOTICE IS TO RECORD THIS USE.

15. Basis of Claim: BENEFICIAL USE

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of Independent Liv. Co., that I have signed the foregoing document in the space below as President of Independent Liv. Co. and that the statements contained in the foregoing document are true and correct.

W. Ronald Shippen
Signature of Authorized Agent

President, Independent Liv. Co.
Title and Organization

Feb. 1, 1989
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of Feb. 19 89.

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID.
My Commission Expires 14 June 1994