

09/14/2005

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

RIGHT NUMBER: 37-4400

NAME AND ADDRESS: JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/03/1911

POINT OF DIVERSION:

T05S R17E S11 NWNW Within LINCOLN County

T05S R17E S11 NWNW Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.060 CFS

The domestic use described for Rights Nos. 37-4400, 37-10494 and 37-21481 is limited to four homes.

PLACE OF USE: DOMESTIC Within LINCOLN County

T05S R17E S11 NWNW

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.

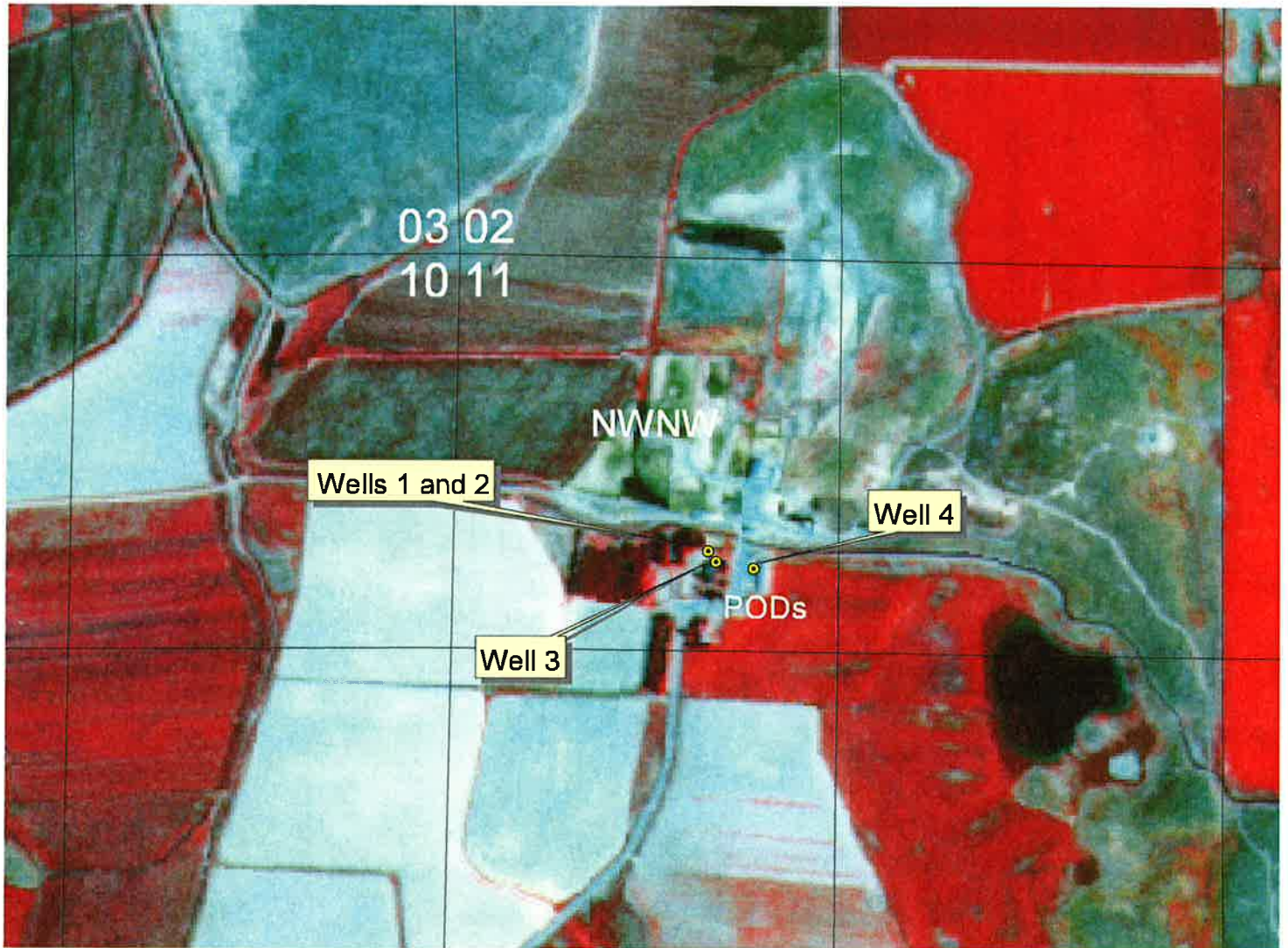
The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

1

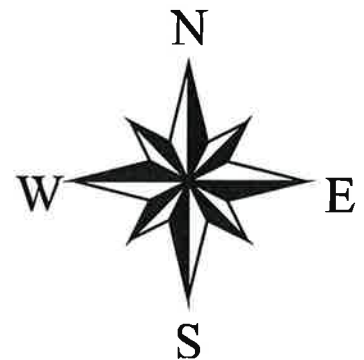
37-4400



400 0 400 800 1200 1600 Feet

T05S R17E S11

Map prepared by: Carter Fritschle
Date prepared: 12/20/04
1987-1988 NAPP photography
Idaho Department of Water Resources



37-4400 and 37-8152



Scarrow Wells 1 and 2 - Lee Peterson photo 7/28/2004



Scarrow Well 3 - Lee Peterson photo 7/28/2004



Scarrow Well 4- Lee Peterson photo 7/28/2004

New Well

37-4400



Lee R. Peterson
234 S View Rd.
Jerome, ID 83338

IDWR Field Exam Form

07/23/2004

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JIM D SCARROW	3184 S 1900 E	WENDELL	ID	83355	(208)536-2374

Date of Field Exam: 7-28-04 Time: 10:30 A

Accompanied By: Jim Phone Number: _____

Relationship to Claimant: NO

Directions to Property (if different from above) and/or update owner information:

home 2.5 - 1 1/2 E Wendell - Farm 5 N - 3/8 W -
1/2 N of Shoshone

Reviewer: Date: 7-28-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4400

Claimed Point of Diversion and Source

T05S R17E S11 NWNW Within LINCOLN County Source: GROUND WATER

T05S R17E S11 NWNW Within LINCOLN County Source: GROUND WATER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R17E S11 NWNW Within LINCOLN County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

1	Ground Pump	
2	" "	
3	" "	
4	" "	

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
55	17E	11			Lincoln	

Other rights from this POD? _____

Document how the POD and Source were verified:

Mrs Sparrow showed me all four locations

PUMPS				plate	photo
①	JIM - 1	2466421	1312060	10013734	1020 251
②	" 2	"	"	"	"
③	" 3	2466429	1312049	735	252
④	" 4	2466468	1312042	736	253

Reviewer: BDate: 7-28-04

New Drilled in 1998-1999. Claim filed in 2003 claiming two points of diversion.

Place Of Use Data Entry Form

Claim Number 37-4400

Claimed Place Of Use

T05S R17E S11 NWNW 1.5
T05S R17E S11 NWNW

1/4
Total Acres

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R17E S11 NWNW

Total Acres

SEE well locations on color photo

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
<i>55</i>	<i>17E</i>	<i>11</i>						

CRH/E
domestic
Total Acres *approx 1/4 ac lawn*

Document how the POU was verified:

Stacy & Mr. Scarrow showed me wells - lawn
CRH/E

Reviewer: 

Date: *7-28-04*

Period of Use and Quantity Data Entry Form

Claim Number 37-4400

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/15	11/15	0.06	6
DOMESTIC	01/01	12/31	0.06	

Overall Diversion Rate 0.12 Overall Diversion Volume 6

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
DOMESTIC	1/01	12/31	0.06	

Overall Diversion Rate 0.06 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
domestic	1-1	12-31		
Cattle	1-1	12-31		
lawn	4-1	9-31		

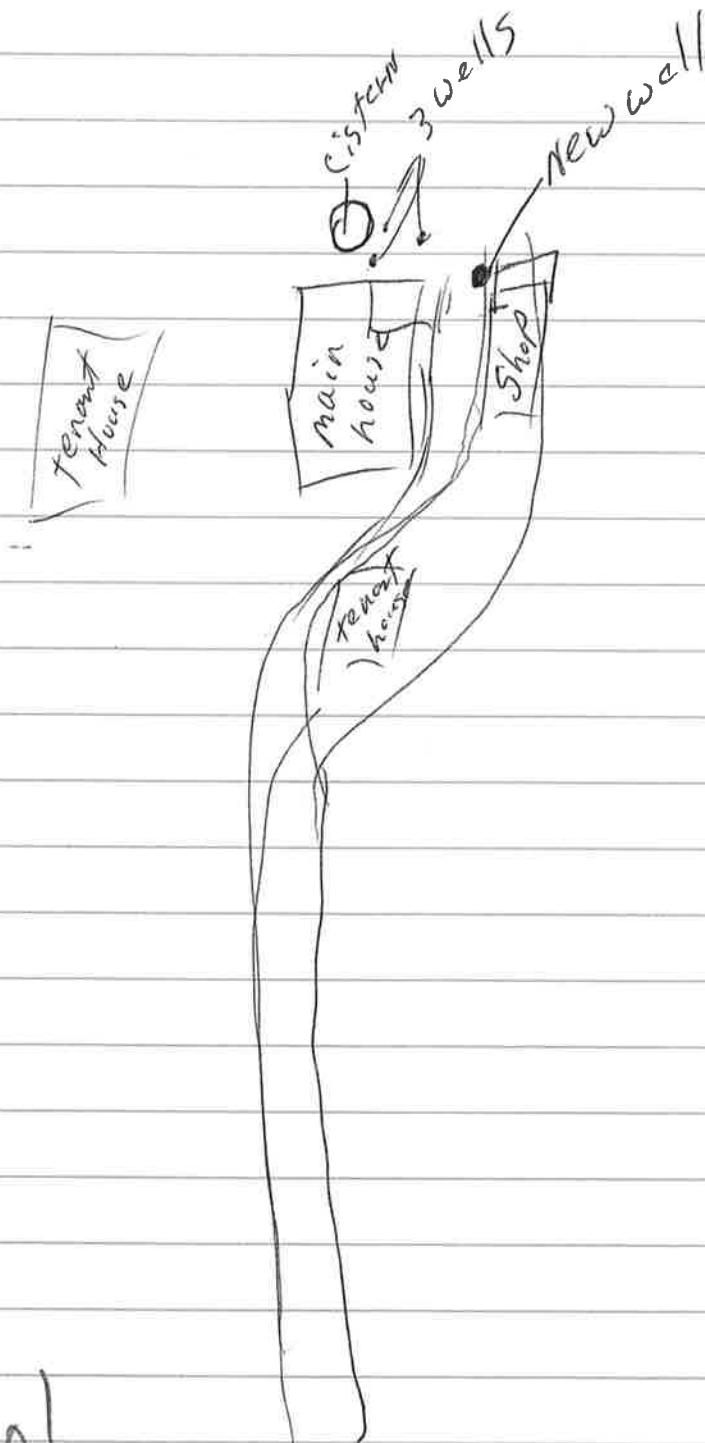
Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

I walked around home - lawn - feed yards

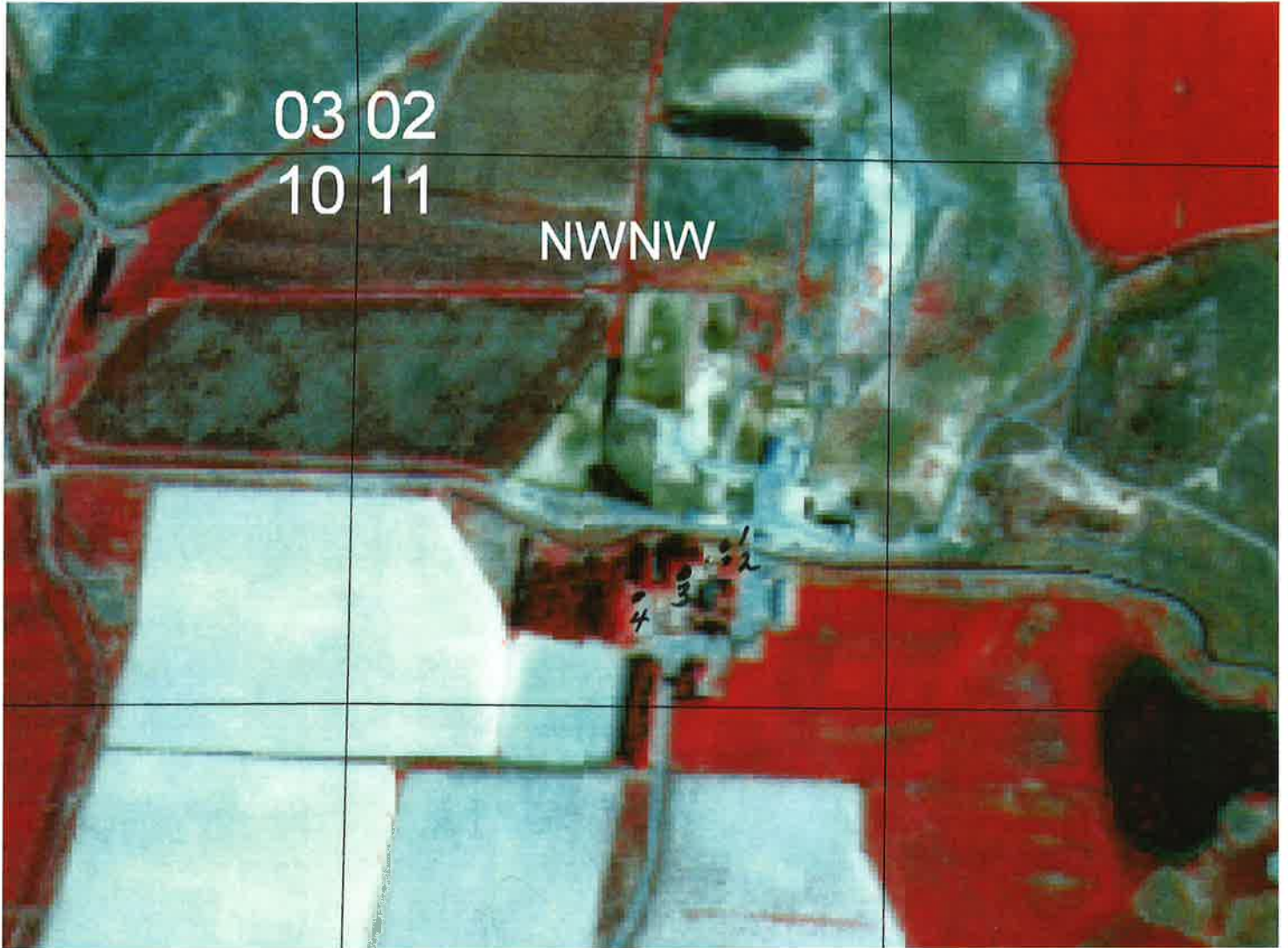
Reviewer: 

Date: 7-28-04



for
~~for~~
stall
3/16 1/01
all

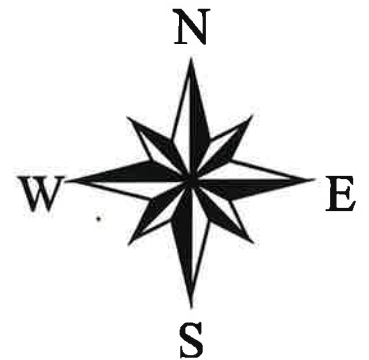
37-4400



300 0 300 600 900 1200 Feet

A horizontal scale bar with alternating black and white segments. The segments are labeled with the numbers 300, 0, 300, 600, 900, and 1200, followed by the word 'Feet'.

T05S R17E S11





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2004

37-4399 & 37-4400
JIM D SCARROW
3184 S 1900 E
WENDELL ID 83355

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 20, 2004

The Notices of Claim to a Water Right (claims) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find computer printouts of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor

Enclosures

*Preparation letter
return*

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 (Mrs. Howard Hill) Norma Hill
(Name of Claimant)

505 W. 4th St., Shoshone, Id 83352 Telephone No. 886-7658
(Mailing Address) (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) 1920

A claim is not acceptable on a ground water source with a priority later than March 26, 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)

(2) Groundwater 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:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.06 cfs</u>	Use	<u>domestic</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) 0.06 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

2 pts. NW ¼ NW ¼, Sec. 11 Twp. 5S Rge. 17E B.M., County of Lincoln

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. 6" X 230 well w/5 hp submersible pump, 6" X 770' well w/5 hp submersible

pump, pressure tanks to two homes. Original well caved in & was replaced by the shallow well in 1965. The deeper well was added in 1979, when a third h

(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. also added.

[illegible]

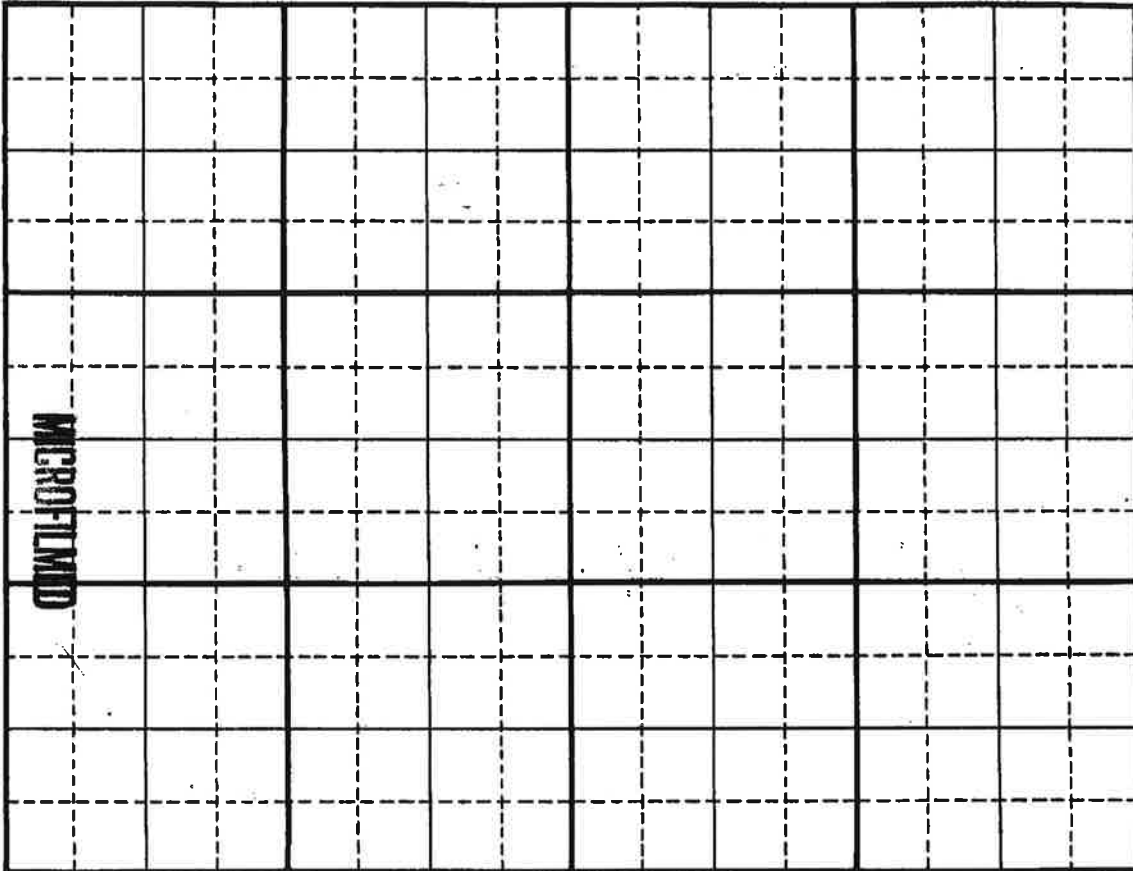
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: culinary use for two homes (no irrigation from wells).

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: _____

(8) Remarks



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 Lincoln) 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.

x Norma Lila
(Claimant)

Sworn to before me this 21st day of March, 1981.

Shirley M. Hickey
Notary Public
Residing at Shoshone, Idaho

My commission expires 01-28-82

Received by Marye Date 4/24/83
FOR DEPARTMENT USE ONLY
Prelim. check by RLJ Date 3-5-81 Exception filed by: _____ Date _____
\$30.00 fee received by Marye Date 6-7-83 # 29117
Published in Lincoln Co. Journal
Dates 10/20 & 10/27/83 12/1 & 12/8/83

Forwarded to
claimant by: _____ Date _____

MICROFILMED

Top 55 Rge 17E



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

RECEIVED

APR - 3 2003

Department of Water Resources
Southern Region

Ident. Number 37-4400
Date Received: 1/1/1900
Receipt No: 5025653
Received By:

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

1. Name of Claimant(s)

JIM D SCARROW Phone: (208)536-2374

3184 S 1900 E
WENDELL ID USA 83355

2. Date of Priority: 06/01/1920

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	11	NW NW	LINCOLN	
05S	17E	11	NW NW	LINCOLN	

5. Description of diverting works:

2 WELL, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	6
DOMESTIC	01/01	12/31	0.06	

7. Total Quantity Appropriated is:

0.12 C.F.S. and/or 6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 2

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	17E	11	NW NW	IRRIGATION	1.5

NW NW

DOMESTIC

Section Acres 1.5

Total Acres 1.5

11. Place of use in counties: LINCOLN

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

USED IN CONJUNCTION WITH 37-10494.

THERE ARE 2 P/DS IN THE NWNW SEC. 11.

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 Individuals:

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

Signature of Claimant(s): Jim W. Scan Date: 4/03/03

Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 2003



Douglas Jones
Notary Public

Residing at Buhl ID 83316

My commission Expires 8/8/07

IDAHO DEPARTMENT OF WATER RESOURCES



0 1320 Feet

37-4400

4/03, D Jones

RECEIVED

APR 19 2001

Department of Water Resources

ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



RECEIVED

SEP 21 2001

Department of Water Resources
Southern Region

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

April 17, 2001

Jim Scarrow
Scarrow Dairy Farms
3184 South 1900 East
Wendell, ID 83355

RE: Your letter received April 12, 2001

Dear Mr. Scarrow:

At your request, I spoke with Mr. Gary Funderburg of the Southern Regional Office of the Idaho Department of Water Resources (IDWR). Mr. Funderburg indicated the water rights addressed by your letter were 37-4400 and 37-8152, currently claimed by Gary and Norma Hill.

Court records indicate that neither of these water rights has been reported to the court in a Director's Report filed by IDWR. The SRBA Court has jurisdiction only over those rights that have been reported to the court by IDWR. I am forwarding your letter to Roxanne Brown who is the Senior Supervising Field Agent for IDWR. Ms. Brown or the staff of IDWR should contact you regarding any further action on these rights.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana R. Delaney".

Diana R. Delaney
Case Administrator

DRD

cc: Roxanne Brown
Gary Funderburg

February 26, 2001

JIM SCARROW
Scarrow Dairy Farms
3184 South 1900 East
Wendell, ID 83355

2001 APR 12 PM 12:14

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

District Water Court
Twin Falls, Idaho

To Whom It May Concern:

I, Jim Scarrow would like to file a protest on the adjudicated water rights in Lincoln county (water right #) on the basis of the chain of events which I feel were not considered.

A Mrs. Hill whom had been widowed and had little knowledge of the correctness or the importance of the water filing filed the claim. Mrs. Hill had been dependent on her son to keep the ranch and feedlot going and because of circumstances that developed she lost all of her property and had to move to a small house in town.

A few months after I retained a lease and purchased the property my wife was diagnosed with a brain tumor, which after a year and a-half and much brain surgery and treatments, she passed away.

There were things that I have found that I just did not stay on top of, things that were very important. I only mention this to maybe explain my laxness in doing things in a timely manner. I still am not sure what the time frame have been for some filings, but it seems Mrs. Hill made a mistake filing under a domestic use instead of a commercial use. There has been three homes plus a large cattle feedlot since at least the early 1940's. The feedlot and homes were either used by the owners or by a lessee since that time.

Sincerely,



Jim Scarrow

/kca

Water Rights:
37-4400
37-8152

per Gary
Funderburg

