

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 37-761B
Date Received: 10/12/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

LEON SKELTON
2958 THAYER BRIDGE CIRCLE
IDAHO FALLS ID USA 83402

Phone: (208)522-5405

FRANCES SKELTON
2958 THAYER BRIDGE CIRCLE
IDAHO FALLS ID USA 83402

Phone: (208)522-5405

2. Date of Priority: 06/01/1885

3. Source: FISH CREEK EAST FORK Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	23E	6	SE NW NW 4	BLAINE	

5. Description of diverting works:

CHECK DAM & PIPELINE TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	7/15	1	

7. Total Quantity Appropriated is:
1 C.F.S. and/or 120 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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01N	22E	1	SW	NW	IRRIGATION	19
			SE	NW	IRRIGATION	11
			NE	SW	IRRIGATION	22
			NW	SW	IRRIGATION	19
			NW	SE	IRRIGATION	16
			SE	NE	IRRIGATION	13
			NW	NW	IRRIGATION	3
				4		
					Section Acres	103
01N	22E	2	SE	NE	IRRIGATION	1
			NE	SE	IRRIGATION	11
					Section Acres	12
					Total Acres	115

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

SEE CLAIM A37-00759.

***** OWNERSHIP CHANGE MADE 8/12/976 BY TLB.

This right is renumbered from former right 37-761 .

15. Basis of Claim: Decreed

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: **A37-00761**
Date Received: 10/12/1988
Receipt No: S002896
Received By: OJC RLB

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LEON SKELTON 208-522-5405
Address: 445 GUSTAFSON
IDAHO FALLS ID 83402

AND/OR

Name: FRANCES SKELTON 208-522-5405
Address: 445 GUSTAFSON
IDAHO FALLS ID 83402

2. Date of Priority: JUN 1, 1885

3. Source: FISH CREEK, EAST FORK Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	23E	6	SE	NW	NW	4	BLAINE

5. Description of diverting works:
CHECK DAM & PIPELINE TO GRAVITY SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	07/15	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 120.00 A.F.A.

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	22E	1	SE	NE		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01N	22E	1	NW		NW	4	IRR	3.0
			SW		NW		IRR	19.0
			SE		NW		IRR	11.0
			NE		SW		IRR	22.0
			NW		SW		IRR	19.0
			NW		SE		IRR	16.0
							Section Acres	103.0
		2	SE		NE		IRR	1.0
			NE		SE		IRR	11.0
							Section Acres	12.0
							Total Acres	115.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-0759, 0762

14. Remarks:
SEE CLAIM A37-00759.

OWNERSHIP CHANGE MADE 8/12/976 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1914

POTTER, ET. AL.
Decree Plaintiff

PATTERSON, ET. AL.
vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

AUG 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEON & FRANCES SKELTON
445 GUSTAFSON
IDAHO FALLS ID 83402

RE: SRBA CLAIM(S): A37-00759, A37-00761, A37-00762, A37-01214,
A37-01215, & A37-10989
MORROW/NICHOL

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH
THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE
DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR
YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS
OFFICE.

SINCERELY,

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUL 09 1997
Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 37-08335
Adjudication Claim Number(s) A37-00759, A37-00761, A37-00762, A37-01214, A37-01215 & A37-10989
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) A.J. Donelson Morrow/W.L. Nichol
P.O. Box 248, Carey, ID 83320
4. New Owner/Claimant(s) Leon and Frances Skelton
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 445 Gustafson
City, State and ZIP Code Idaho Falls, ID 83402
New Telephone Number (208) 522-5405
5. Date you acquired the property July 1, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Leon Skelton Date 7-1-97
Frances Skelton Date 7-1-97
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

QUITCLAIM DEED

FOR VALUE RECEIVED

A.J. DONELSON MORROW, Trustee of the A.J. Donelson Morrow 1993 Revocable Trust Dated February 9, 1993 and W.L. NICHOL, IV, a married man, as his sole and separate property

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

LEON SKELTON and FRANCES SKELTON, husband and wife

whose address is: 445 Gustafson, Idaho Falls, ID 83402

the following described premises situated in Blaine County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECEIVED

JUL 02 1997

Department of Water Resources
Southern Region

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

together with their appurtenances.

Dated: June 26, 1997

A.J. Donelson Morrow, Trustee
A.J. DONELSON MORROW, TRUSTEE

W.L. Nichol
W.L. NICHOL, IV

State of ~~Idaho~~ TENNESSEE }
County of ~~Blaine~~ SHELBY } ss.

On this 30th day of June, in the year 1997 before me, the undersigned, personally appeared A.J. DONELSON MORROW, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the A.J. DONELSON MORROW 1993 REVOCABLE TRUST DATED FEBRUARY 9, 1993, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

Julie J. Stewart
Notary Public
Commission Expires: 11-28-99



State of Tennessee }
County of SHELBY } ss.

On this 21st day of June, in the year 1997, before me, the undersigned, personally appeared W.L. Nichol, IV known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Susan J. Hoover
Notary Public
Commission Expires:



Order No. 23139

QUITCLAIM DEED

FOR VALUE RECEIVED

A.J. DONELSON MORROW, Trustee of the A.J. Donelson Morrow 1993 Revocable Trust Dated February 9, 1993 and W.L. NICHOL, IV, a married man, as his sole and separate property

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

LEON SKELTON and FRANCES SKELTON, husband and wife

whose address is: 445 Gustafson, Idaho Falls, ID 83402

the following described premises situated in Blaine County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECEIVED

JUL 02 1997

Department of Water Resources
Southern Region

This document may be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

together with their appurtenances.

Dated: June 26, 1997

A.J. DONELSON MORROW, TRUSTEE

W.L. NICHOL, IV

State of Idaho

County of Blaine

)
)ss.
)

On this _____ day of _____, in the year 1997 before me, the undersigned, personally appeared A.J. DONELSON MORROW, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the A.J. DONELSON MORROW 1993 REVOCABLE TRUST DATED FEBRUARY 9, 1993, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

Notary Public

Commission Expires:

State of Tennessee

County of

)
)ss.
)

On this _____ day of June, in the year 1997, before me, the undersigned, personally appeared W.L. Nichol, IV known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

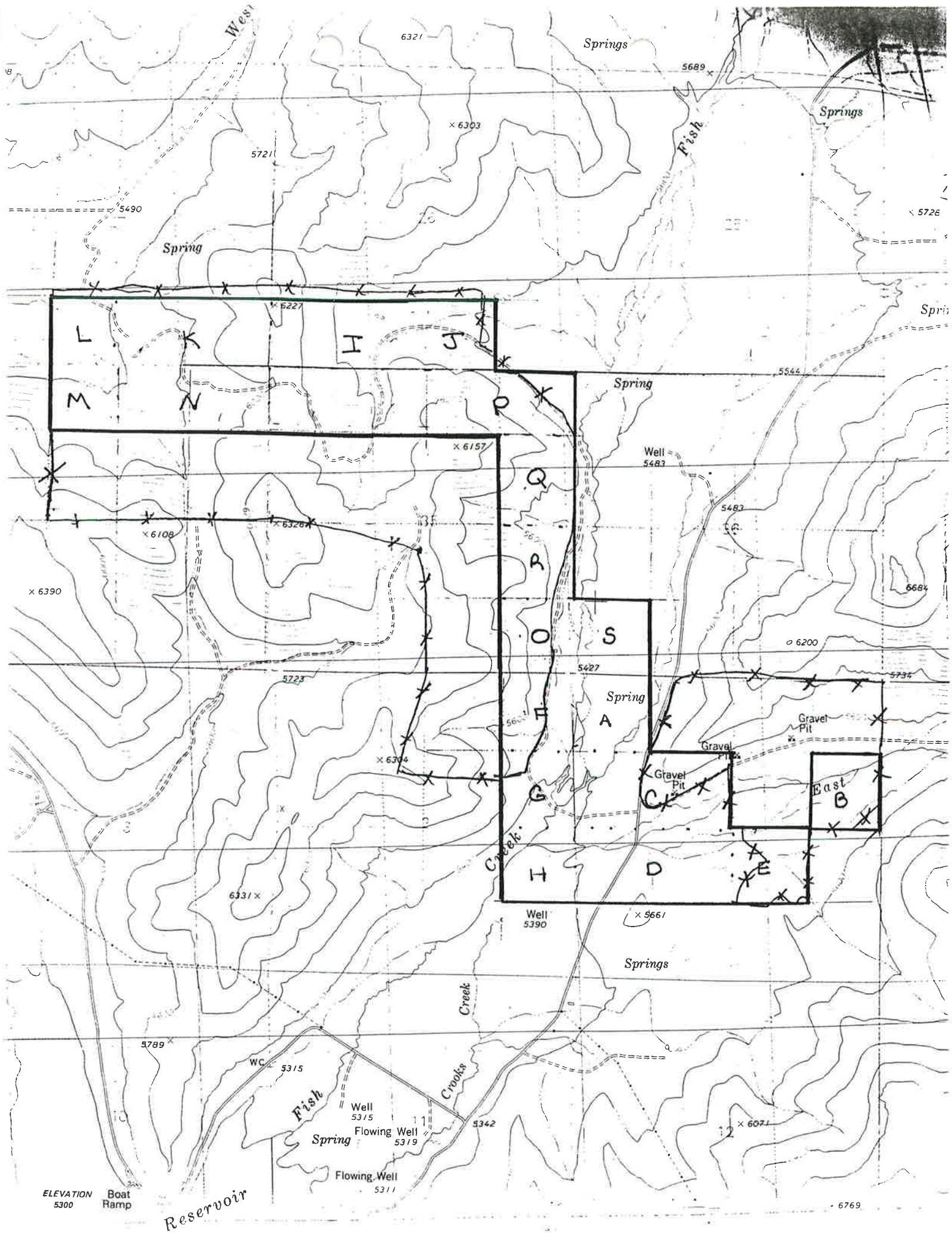
WITNESS my hand and official seal.

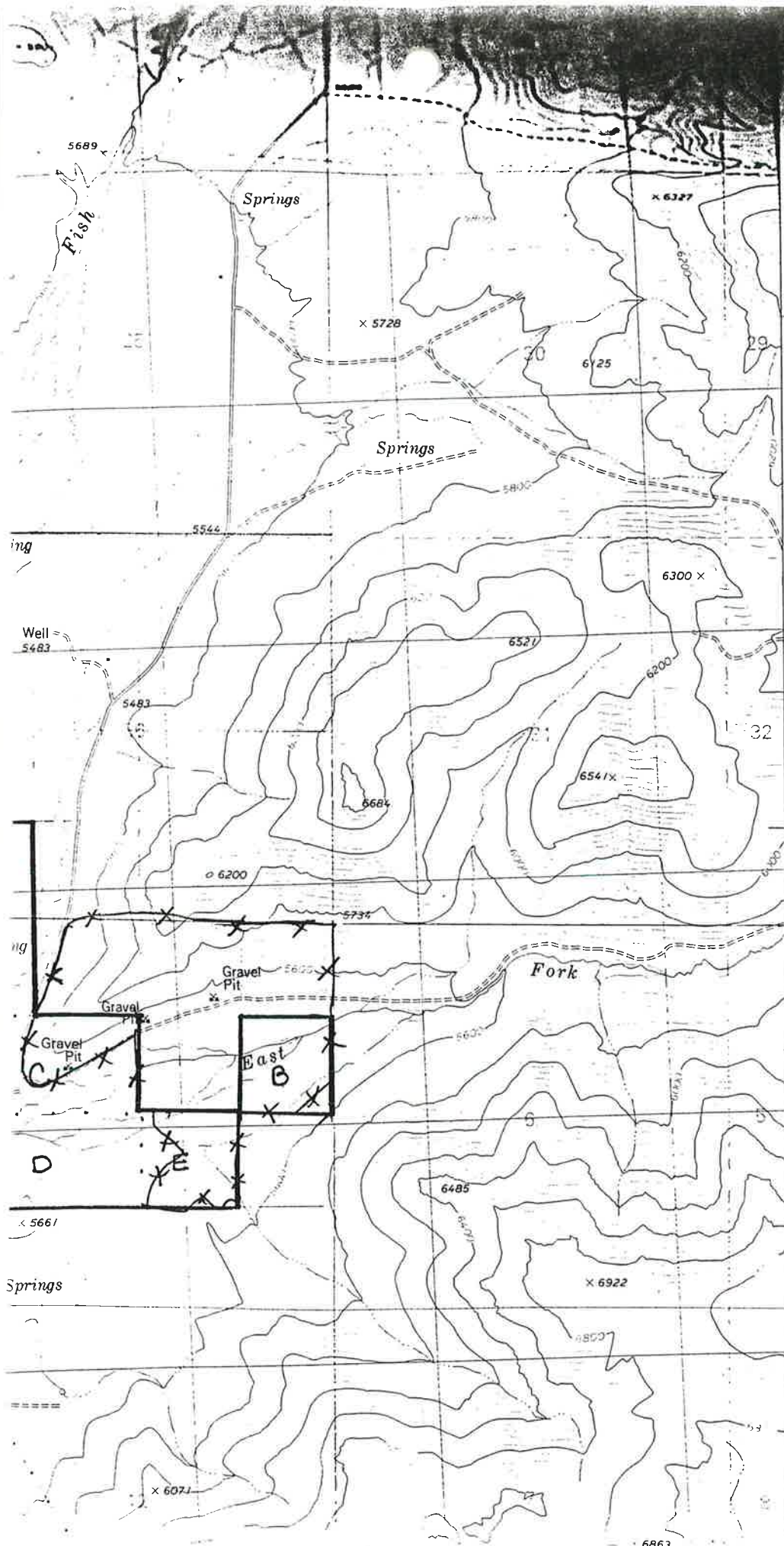
Notary Public

Commission Expires:

Notary Public

Notary Public





Leon Skeffton

660 000
FEET

Fish Creek Ranch

TOWNSHIP 1 NORTH
RANGE 22 EAST
BOISE MERIDIAN, BLAINE COUNTY
IDAHO

- SECTION 1:
A. LOT 4
B. SE1/4NE1/4
C. S1/2NW1/4
D. N1/2SW1/4
E. NW1/4SE1/4
SECTION 2:
F. LOT 1
G. SE1/4NE1/4
H. NE1/4SE1/4

TOWNSHIP 2 NORTH
RANGE 22 EAST
BOISE MERIDIAN, BLAINE COUNTY
IDAHO

- SECTION 26:
I. S1/2SW1/4,
J. SW1/4SE1/4
SECTION 27:
K. S1/2SE1/4,
L. SE1/4SW1/4
SECTION 34:
M. NE1/4NW1/4
N. N1/2NE1/4
SECTION 35:
O. LOT 1,
P. N1/2N1/2
Q. SE1/4NE1/4
R. NE1/4SE1/4
SECTION 36:
S. LOT 4

This sketch is made solely
for the purpose of assisting
in locating the premises.
The company assumes no
liability for alleged loss or
damage which may result
from reliance on this map.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

JUL 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEON & FRANCES SKELTON
445 GUSTAFSON
IDAHO FALLS ID 83402

RE: OWNERSHIP CHANGE FROM MORROW/NICHOL

DEAR SKELTONS:

THANK YOU FOR NOTIFYING US ON THIS OWNERSHIP CHANGE. UNFORTUNATELY, THERE IS A PROBLEM.

AN EXHIBIT "A" WITH A DEFINITE LEGAL DESCRIPTION SHOWING THE RANGE, TOWNSHIP, SECTION(S), AND QUARTER/QUARTER SECTION(S) IS NEEDED. THE DEPARTMENT'S PROFILE REPORTS CANNOT BE USED AS AN EXHIBIT "A". A FSA MAP IS ALSO NEEDED TO SHOW WHERE YOUR PROPERTY IS LOCATED.

IF YOU COULD SEND BACK THESE DOCUMENTS, IT WOULD BE APPRECIATED. I APOLOGIZE FOR THE INCONVENIENCE.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME. THANK YOU FOR YOUR HELP.

SINCERELY,

A handwritten signature in cursive script, reading 'Tara L. Backlund'.

TARA L BACKLUND
ADJUDICATION RECORDS CLERK

/tlb
ENCLOSURES

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: A37-00761
Date Received: 9/08/1988
Receipt No: 5000896
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. J. DONELSON MORROW 208-788-3142
Address: P. O. BOX 357
CAREY, ID 83320
2. Date of Priority: JUN 01, 1885
3. Source: FISH CREEK, EAST FORK Trib. to: FISH CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01N | 23E | 6 | SE | NW | NW | 4 | BLAINE |
5. Description of diverting works:
CHECK DAM & PIPELINE TO GRAVITY SPRINKLER SYSTEM
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 07/15 | 1.000 | | |
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 120.00 A.F.A.
8. Total consumptive use is 120.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	22E	1	SE	NE		IRR	13.0
			NW	NW	4	IRR	3.0
			SW	NW		IRR	19.0
			SE	NW		IRR	11.0

A37-00761

Page 1

Date: 09/08/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	22E	1	NE	SW		IRR	22.0
			NW	SW		IRR	19.0
			NW	SE		IRR	16.0
						Section Acres	103.0
		2	SE	NE		IRR	1.0
			NE	SE		IRR	11.0
						Section Acres	12.0
						Total Acres	115.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
37-0759, 0762

14. Remarks:
SEE CLAIM A37-00759.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1914

POTTER, ET. AL.
Decree Plaintiff

vs

PATTERSON, ET. AL.
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): *Carl Anderson Morrow* Date: *10/5/88*
_____ Date: _____

State of Idaho)
County of *Blaine*) SS.

Subscribed and sworn (or affirmed) before me this *5th* day
of *October* 19 *88* *Wicki L. Dick*
Notary Public

Seal

Residing at *Bellevue*
My Commission Expires *2/27/92*

12/01/2006

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

RIGHT NUMBER: 37-761B

NAME AND ADDRESS: LEON SKELTON
2958 THAYER BRIDGE CIRCLE
IDAHO FALLS ID 83402

FRANCES SKELTON
2958 THAYER BRIDGE CIRCLE
IDAHO FALLS ID 83402

SOURCE: EAST FORK FISH CREEK

TRIBUTARY: FISH CREEK

QUANTITY: 0.750 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T01N R23E S6 SENWNW Lot 4 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.750 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R22E S01	SENE	14.00	T01N R22E S01	SWNW	12.00
T01N R22E S01	SENW	6.80	T01N R22E S01	NESW	27.00
T01N R22E S01	NWSW	21.00	T01N R22E S01	NWSE	22.00
T01N R22E S02	SENE	0.20	T01N R22E S02	NESE	12.00

115 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 115 acres in a single irrigation season. Combined Right Nos.: 37-759, 37-761B, and 37-762.

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

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



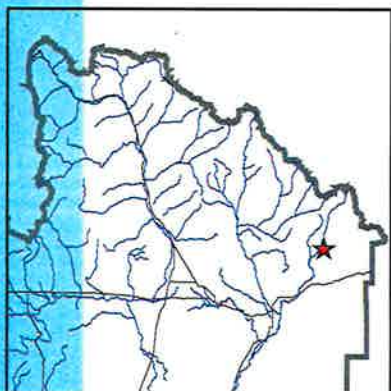
Idaho Department of Water Resources

SRBA Recommendation:

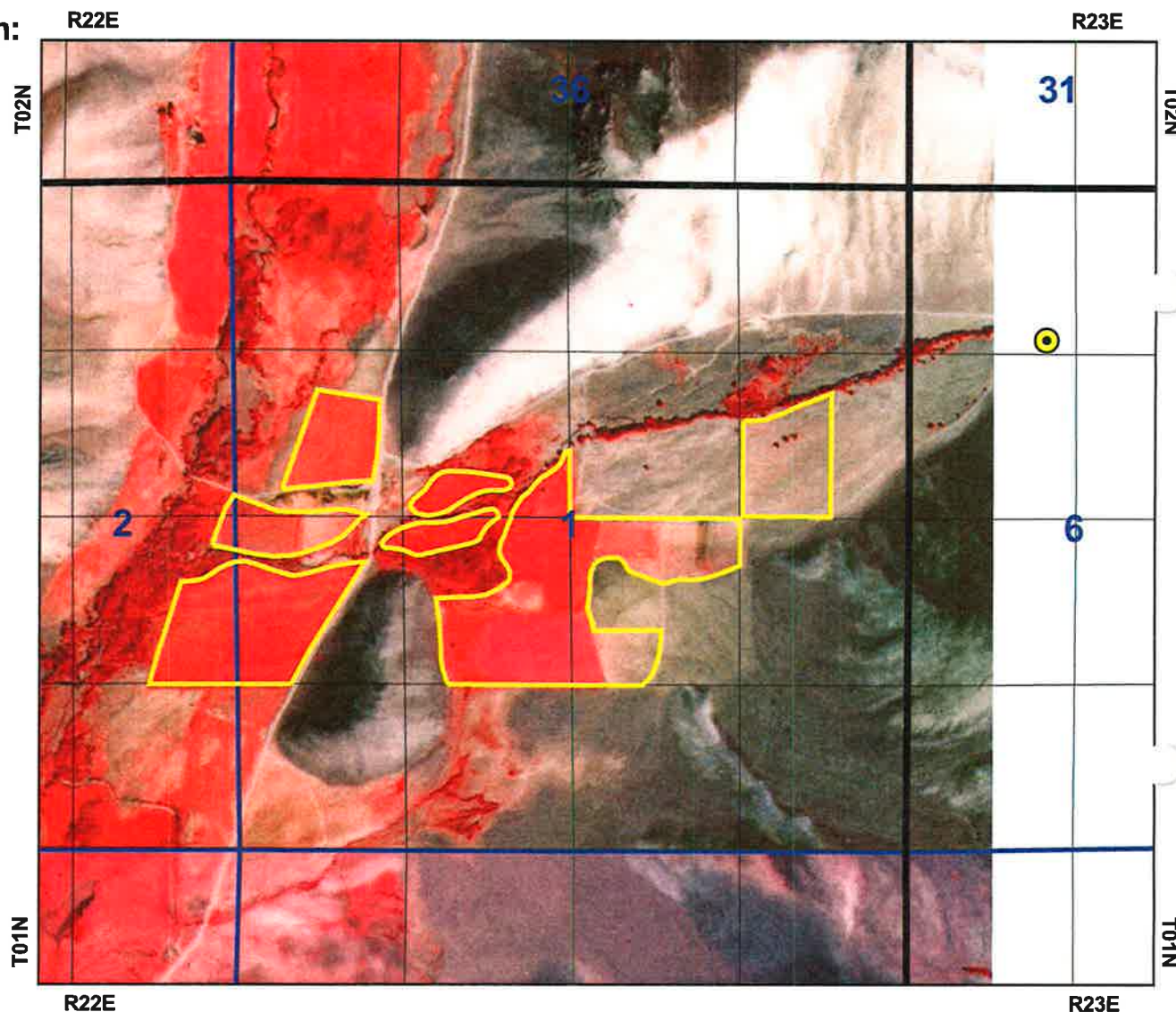
37-759
37-761B
37-762

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
 On Thursday, November 30, 2006
 1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 2, 2006

Gary & Barbara Carney
225 N 1250 W
Paul, ID 83347

Leon & Frances Skelton
2958 Thayer Bridge Circle
Idaho Falls, ID 83402

RE: Snake River Basin Adjudication claims 37-761, 37-761A, 37-1195, & 37-21296

Dear Claimants,

As I described in the letter I sent to you on October 19, 2005, claims for water right 37-761 exceeded the decreed diversion rate. After conversations with you and the watermaster and reviewing the documents submitted for claims 37-761 and 37-761A, I am planning to make the following recommendation for the Snake River Basin Adjudication:

37-761	Leon & Frances Skelton	40 acres	0.75 cfs
37-761A	Gary & Barbara Carney	<u>40 acres</u>	<u>0.25 cfs</u>
		80 acres	1.0 cfs

I am also planning to recommend disallowal of claim 37-1195 (Carney) and claim 37-21296 (Skelton) for the Snake River Basin Adjudication. Both of these claims were filed against water right 37-1195. A review of the pertinent decrees provides convincing evidence that water right 37-758 supercedes water right 37-1195. Case vs. Hood (6/23/1890) decreed 100" of water (37-1195) from East Fork Fish Creek to W.J. Crooks as the second right on the stream (no priority date listed). Potter vs. Patterson (12/16/1914) decreed 100" of water (37-758) from East Fork Fish Creek to Isabella McDougal with a priority date of June 1, 1884. Isabella McDougal is listed as the sole successor in interest to W.J. Crooks. The legal descriptions in Case vs. Hood and Potter vs. Patterson appear to describe the same land, even though the legal description in the Case vs. Hood decree seems to have errors. The same diversion rate, POUs that are apparently the same, and the listed succession of ownership all indicate that 37-758 superceded 37-1195, making all claims against 37-1195 invalid.

I have attached a summary of your claims. If you have any questions, feel free to contact me at (208) 287-4937.

Sincerely,

Matt Anders

GIS Specialist – Snake River Basin Adjudication

Summary of Water Rights for Gary Carney & Leon Skelton
(2/2/06)

Water Right	Basis	Decreed/Licensed (cfs)	Claimed (cfs)	Watermaster Delivering (cfs)	Planned SRBA Recommendation (cfs)
Gary Carney					
37-758	Decree	2.0	2.0	1.0	2.0
37-760	Decree	0.8	0.8	0.8	0.8
37-761	Decree	1.0	0.25	---	0.25
37-763	Decree	0.8	0.8	0.8	0.8
37-764	Decree	0.6	0.6	0.6	0.6
37-1163	Decree	1.56	1.56	1.56	1.56
37-1195	Decree	2.0	2.0	1.0	Disallow
37-2578	License	2.74	2.74	GW	2.74
Leon Skelton					
37-759	Decree	0.5	0.5	0.5	0.5
37-761	Decree	1.0	1.0	1.0	0.75
37-762	Decree	0.4	0.4	0.4	0.4
37-1214	Decree	0.5	0.5	0.5	0.5
37-1215	Decree	1.6	1.6	1.6	1.6
37-21296 (37-1195)	Decree	2.0	2.0	1.0	Disallow



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 19, 2005

Gary & Barbara Carney
225 N 1250 W
Paul, ID 83347

Leon & Frances Skelton
~~445 Gustafson~~ 2958 Thayer Bridge Circle
Idaho Falls, ID 83402

RE: Snake River Basin Adjudication claims 37-761 & 37-761A

Dear Claimants,

Water right 37-761 was originally decreed for a diversion rate of 1.0 cfs from East Fork Fish Creek for irrigation of an unspecified number of acres in 4 quarter-quarter sections (40 acres each). The following claims totaling 1.25 cfs have been filed against water right 37-761 in the Snake River Basin Adjudication:

37-761	Leon & Frances Skelton	1.00 cfs
37-761A	Gary & Barbara Carney	<u>0.25 cfs</u>
		1.25 cfs

State law mandates that I cannot recommend more than 1.0 cfs (the decreed diversion rate) for this right in the Snake River Basin Adjudication.

A possible resolution is to split the water right into two parts, with each claimant receiving a diversion rate based on the number of acres they own and irrigate. A review of the decree indicates that although this right was decreed to 4 quarter-quarter sections, only about 80 acres in the southern portion of the decreed place of use could have been irrigated with a gravity distribution system from East Fork of Fish Creek comparable to the one used at the time of the decree. Assuming that 80 acres was irrigated with this right, it was originally decreed at a rate of 0.0125 cfs/acre. Deeds and other documents submitted with your claims and the Blaine County tax records all indicate that each claimant currently owns 40 acres of the original 80 acres. Applying the original decreed diversion rate of 0.0125 cfs to the number of acres owned and irrigated by each claimant would result in this water right being split as follows:

37-761	Leon & Frances Skelton	40 acres	0.50 cfs
37-761A	Gary & Barbara Carney	<u>40 acres</u>	<u>0.50 cfs</u>
		80 acres	1.0 cfs

Please advise me on how to resolve this issue. If you have any questions or would like to discuss this, feel free to contact me at (208) 287-4937.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: NANCY STABLER

SAWTOOTH TITLE COMPANY

fax# 726-1062

TOTAL PAGES SENT: 10

DOCUMENT DESCRIPTION: PROFILE REPORTS OF A37-01215, A37-10989
A37-01214, A37-00759, A37-00761, A37-00762, 37-08693,
AND 37-08325

FROM: **IDAHO DEPARTMENT OF WATER RESOURCES**

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: **736-3033**

FAX: **736-3037**

SENDER: Corey Skinner

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: NONE
Please remit to the above address.

COMMENTS: PLEASE NOTE THAT ADJUDICATION CLAIMS (A#s) WILL
BE ~~THE~~ DETERMINED IN THE ADJUDICATION (AMOUNTS
OF WATER, ACRES IRRIGATED ETC.)

PLEASE CALL ME WHEN YOU GET THESE.

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

RE:

QUERY ON RIGHT

He was sent in by the water master to review the rights and get his name put on the record for right 37-1195. after discussing it with him and reviewing the brief records he had it really appears the 50" he owns is covered by a claim already on file (perhaps 37-761). Additional research is needed to confirm what is owned/used by Mr. Skelton and it would need to be analyzed in conjunction with other splits of the original system. I suggested he wait until the AJ review is done for the area in Basin 37, a couple years from now, since there is no ongoing dispute to resolve. I did not think he needed to file a claim for this right at this time since it may be a duplicate and he can file a claim later if it becomes necessary.

Water Right Report 37-761

Owner Type

Name and Address

Current Owner

ISABELLA MC DOUGAL

ZZ

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source

Tributary

EAST FORK FISH CREEK

FISH CREEK

Beneficial Use

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION

/ to /

1.000 CFS

Total Diversion:

1.000 CFS

Location of Point(s) of Diversion

EAST FORK FISH CREEK

Place of Use

IRRIGATION

[illegible]

Conditions of Approval:

1. AC. IRRIG. NOT SPECIFIED. FARM = 160 AC.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-761

Licensed Date:
Decreed Date: 12/16/1914
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Joseph R Patterson, et al
Decree Plaintiff: Adelbert L Potter, et al
Civil Case Number:
Judicial District: Fourth District
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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank: