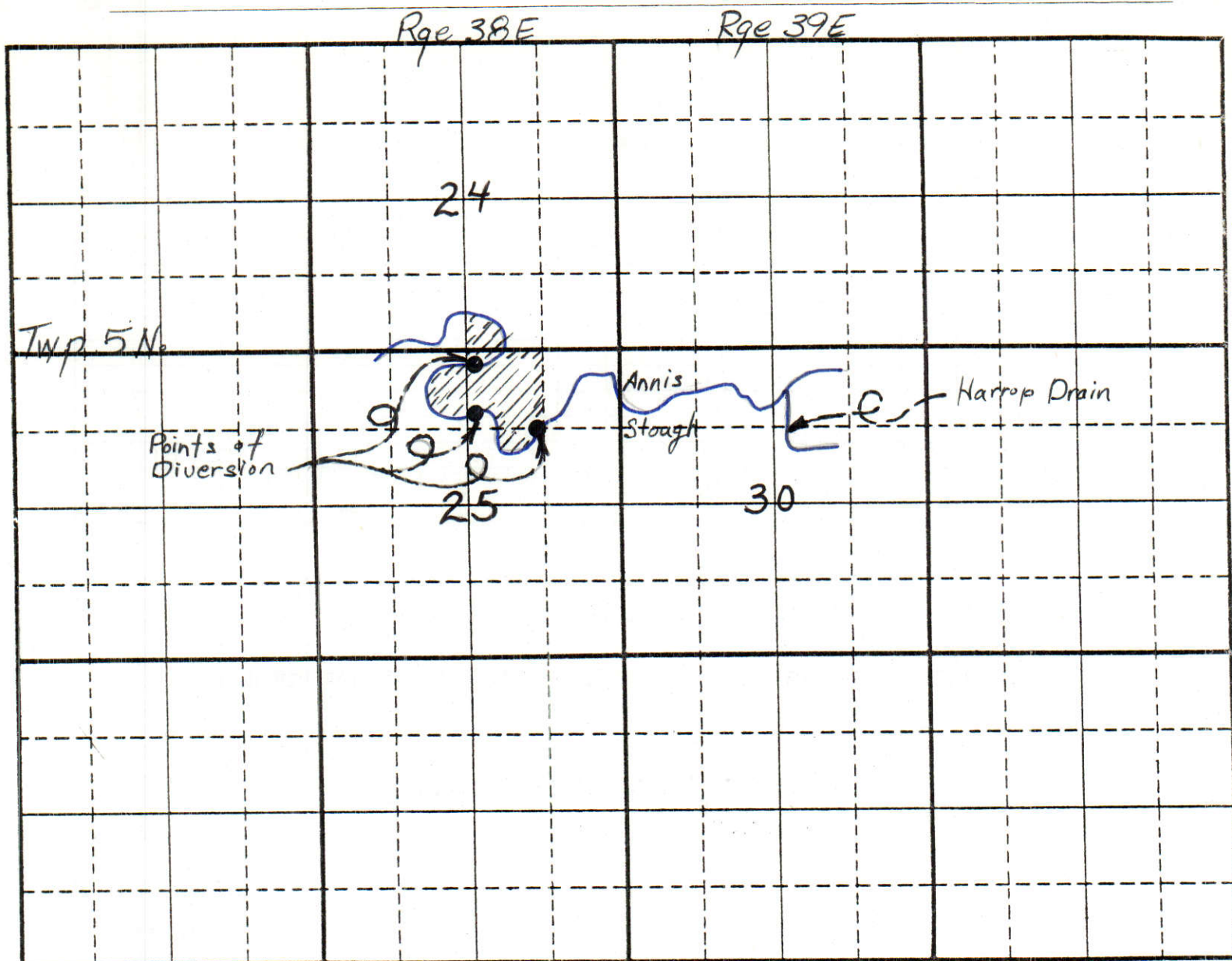


(8) Remarks The Harrop drain situated in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, discharges water into Annis Slough. The water is then diverted as described by this claim.



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 Bonneville) 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 19 day of March, 1981.

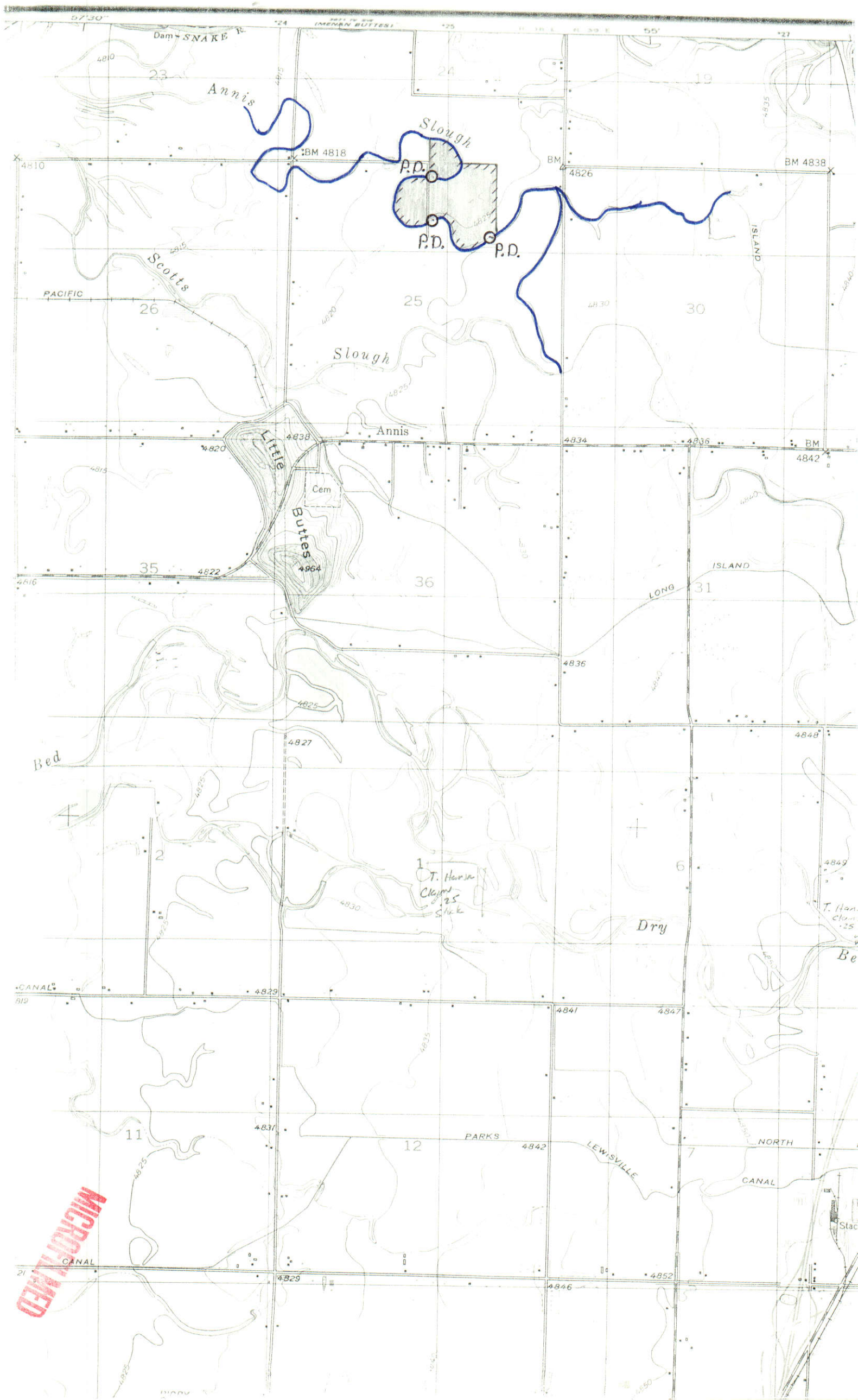
Lyle W. Scott
(Claimant)

Kathleen A. Walker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Received by EMC Date 3/19/1981 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by Ruby Star Date 3/19/81 # 17113
Published in 4/09/81 _____
Dates _____



MICROFILMED

NOTICE OF CLAIMS
TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

25-4095

Scott, Lyle W.; Rt. 3 Box 176, Rigby, ID 83442

Source: Annis Slough tributary to Snake River

Priority Date: 05/01/1970

Amount: 4.00 CFS

Diversion Point: NWNE SWNE Sec 25 T 05N R 38E, Jefferson Co.

Use: Irrigation (4.00 CFS) from 04/01 to 11/01

Place of Use: NWNE SWNE NENW Sec 25 T 05N R 38E SWSE Sec 24 T 05N R 38E for 60 acres

Diversion Means: Pump & Headgates.

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401.

C. Stephen Allred
Director

Published April 2 and 9, 1981

Affidavit of Publication

THE RIGBY STAR

RECEIVED

APR 24 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Marie Nye, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Second day of April, 19 81

and the last publication on the

Ninth day of April, 19 81

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Marie Nye
Publisher

Subscribed in my presence and sworn to before me this Ninth day of April, 19 81.

[SEAL]

Alfred O. Nye
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 13.94

MICROFILMED

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
Statehouse, Room 210
Boise, ID 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
KENNETH R. ARMENT
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

LYLE W. SCOTT and FERN L. SCOTT
husband and wife,

Plaintiffs,

vs.

RONALD D. CARLSON, Watermaster of
Water District No. 1 of the State
of Idaho, et al,

Defendants.

Case No. 1-2010

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND SUPPLEMENTAL
DECREE

The above-entitled cause was initiated under the provisions
of I.C. § 42-1405 by the filing of a complaint in the above-
entitled district court, requesting a supplemental adjudication
of the rights of the plaintiffs to divert the waters of Harrop
Drain and Annis Slough.

MICROFILMED

NOV 21 1988

1 reference as if set forth in full, with the following exception:

2 1. The legal description for point of diversion (1) in sub-
3 division "e" of Conclusion of Law number 12 is modified by
4 substituting "R38E" for "R28E".

5 By reason of the facts found by the court, and the
6 Conclusions of Law based upon said facts, IT IS HEREBY ORDERED,
7 ADJUDGED AND DECREED as follows:

8 1. The plaintiffs' rights to the use of the waters of
9 Annis Slough are as follows:

10 25-4095

11 a. source of water supply: Annis Slough,
tributary to Snake River

12 b. date of priority: May 1, 1970

13 c. rate of diversion: 1.12 cfs

14 d. nature of use: irrigation

15 e. points of diversion: SW1/4NE1/4
NE1/4NW1/4
16 NW1/4NE1/4
Sec. 25, T5N, R38E, B. M.

17 f. place of use: NW1/4NE1/4, SW1/4NE1/4
18 (39 acres)
NE1/4NW1/4 (12 acres)
19 Sec. 25, T5N, R38E, B. M.
SW1/4SE1/4 (5 acres)
20 Sec. 24, T5N, R38E, B. M.
(56 acres
21 total)

22 g. period of use: from 4/1 to 11/1 of each
year

23 h. maximum annual volume
24 of consumptive use: 173.6 acre feet per annum

25 i. basis of right: beneficial use

26 2. This decree is supplemental to and subject to the terms
27

NOV 21 1970

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 Lyle W. Scott
(Name of Claimant)
Route #3, Box 176, Rigby, ID 83442 Telephone No. 745-6017
(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) May 1, 1970

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)
Annis Slough tributary to Snake River

(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>4.00 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</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) 4.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 25 Twp. 5N Rge. 38E B.M., County of Jefferson
Additional points of diversion: SW ¼ NE ¼, Sec. 25, T. 5N, R. 38E

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. 8 HP electric pump, 2 20" metal headgates for two surface diversions.

(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	25		37	4		12										7		53
		24																	7

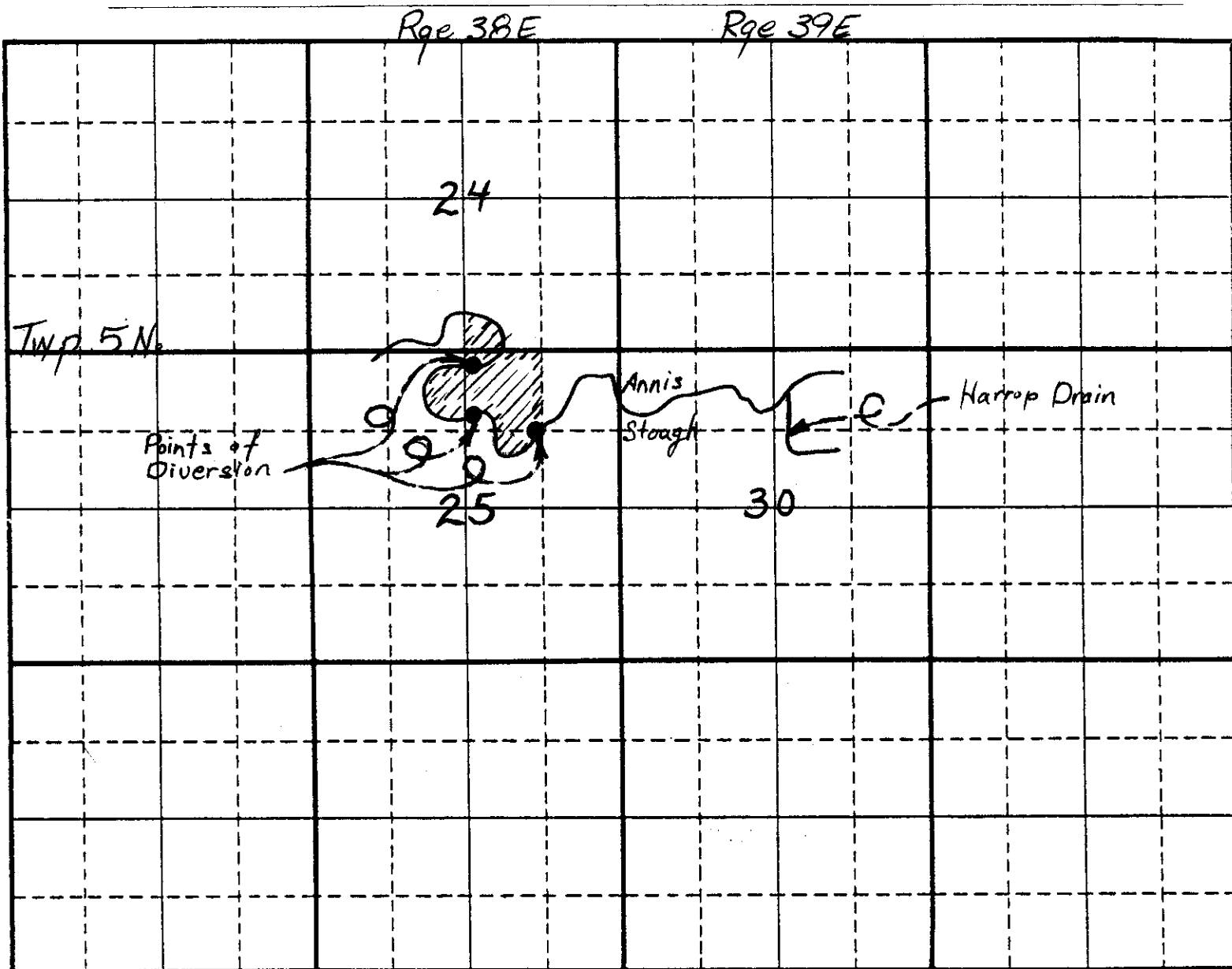
No. of acres 60

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: _____

If you are claiming water as a member of an organization, list name of organization: _____

(3) Remarks The Harrop drain situated in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 30, discharges water into Annis Slough. The water is then diverted as described by this claim.



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 Bonneville) 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.

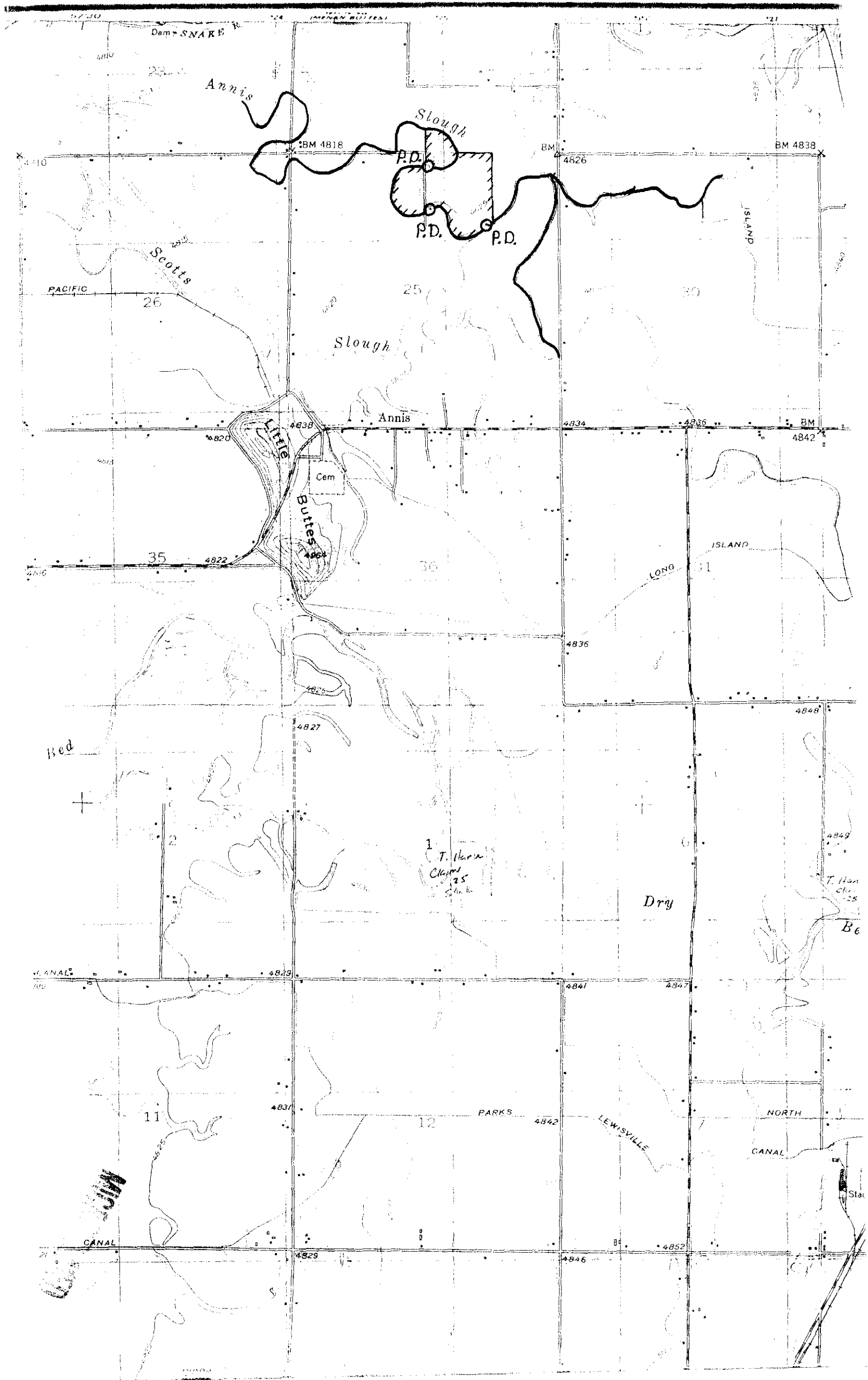
Sworn to before me this 19 day of March, 1981.
Syle W. Scott
(Claimant)

Kathleen A. Wacker
Notary Public
Residing at Idaho Falls

My commission expires 2/15/1983

FOR DEPARTMENT USE ONLY

Received by GMC Date 3/19/81 Exception filed by: _____ Forwarded to _____ Date _____
Prfm. check by _____ Date _____
\$0.00 fee received by Ruby Star Date 3/19/81 # 17113
Published in _____
Pages 4/02 4/09/81



State of Idaho
County of Jefferson

RECEIVED

Department of Water Resources
Eastern District Office

deposes and says: It is known to me that water has been diverted from the Annis Slough by gravity flow through two 20" gates onto about 20 acres on the west side of the place as far back as 1914, and onto the east side, or about 39 acres, by first a gas engine pump in 1944 and then in 1948 was changed to an 8 horsepower electric pump which has been in operation since that time.

In May of 1970 Lovell Harrop, who's property is up stream about three quarters of a mile, dug a drain to alleviate a sub problem on his place. From this drain an estimated two hundred inches of additional water has been developed.

The first levy had a 30" tube to which another 24" had to be added.

The second levy had a 16" tube to which another 24" had to be added.

The third levy had a 16" tube which was replaced with a 24" tube and this levy also has a 32" adjustable overflow gate.

Ray Merrill
(Signature)

Subscribed and sworn to before me this 23 day of March, 1981

~~Notary Public~~

Residing at Mexico City
My Commission Expires Indefinite

State of Idaho
County of Jefferson

RECEIVED

Department of Water Resources
Eastern District Office

deposes and says: It is known to me that water has been diverted from the Annis Slough by gravity flow through two 20" gates onto about 20 acres on the west side of the place as far back as 1914, and onto the east side, or about 39 acres, by first a gas engine pump in 1944 and then in 1948 was changed to an 8 horsepower electric pump which has been in operation since that time.

The place was first owned by Sareene and Annie Olson and then inherited by their daughter Annie Olson Tanner. In December of 1943 she (Annie Olson Tanner) sold it to Wm S. and Nettie Tanner. On May 1, 1966, we (Lyle W. and Fern L. Scott) purchased it (62.5 acres) from Wm S. and Nettie Tanner.

In May of 1970 Lovell Harrop, who's property is up stream about three quarters of a mile, dug a drain to alleviate a sub problem on his place. From this drain an estimated two hundred inches of additional water has been developed.

In evidence of this increase in stream flow in what is known as the Annis Slough, there is three dirt levys which are used for road crossings and also to check the water.

The first levy had a 30" tube to which another 24" had to be added.

The second levy had a 16" tube to which another 24" had to be added.

The third levy had a 16" tube which was replaced with a 24" tube and this levy also has a 32" adjustable overflow gate.

(Signature)

Subscribed and sworn to before me this 23 day of March, 1981.

~~Notary Public~~

Residing at Merion Park
My Commission Expires Sept 1973

IN THE MATTER OF:)
)
)
)
)
)
)
)
State of Idaho)
County of Jefferson)

AFFIDAVIT

RECEIVED
MAR 26 1981
Department of Water Resources
Eastern District Office

_____ being first duly sworn,
deposes and says: It is known to me that water has been diverted from the
Annis Slough by gravity flow through two 20" gates onto about 20 acres on the
west side of the place as far back as 1914, and onto the east side, or about
39 acres, by first a gas engine pump in 1944 and then in 1948 was changed to an
8 horsepower electric pump which has been in operation since that time.

The place was first owned by Sareene and Annie Olson and then inherited
by their daughter Annie Olson Tanner. In December of 1943 she (Annie Olson
Tanner) sold it to Wm S. and Nettie Tanner. On May 1, 1966, we (Lyle W.
and Fern L. Scott) purchased it (62.5 acres) from Wm S. and Nettie Tanner.

In May of 1970 Lovell Harrop, who's property is up stream about three
quarters of a mile, dug a drain to alleviate a sub problem on his place. From
this drain an estimated two hundred inches of additional water has been developed.

In evidence of this increase in stream flow in what is known as the Annis
Slough, there is three dirt levys which are used for road crossings and also
to check the water.

The first levy had a 30" tube to which another 24" had to be added.

The second levy had a 16" tube to which another 24" had to be added.

The third levy had a 16" tube which was replaced with a 24" tube and this
levy also has a 32" adjustable overflow gate.

Don D. Bennett
(Signature)

Subscribed and sworn to before me this 13 day of march, 1981

James A. Beard
(Notary Public)

Residing at Mesa, Idaho:
My Commission Expires September:

IN THE MATTER OF:

MAR 26 1931

AFFIDAVIT

Department of Water Resources
Eastern District Office

State of Idaho
County of Jefferson

being first duly sworn,

deposes and says: On April 1, 1970 I purchased 55 acres of
ground from Perry and Mae Geisler which had a bad sub problem.
That same spring I dug a drain through it, which to my best
judgement produces, through the summer months an average of
about 200 inches of water. This water flows from my drain into
what is known as the Annis Slough.

W. Lowell Harris
(Signature)

Subscribed and sworn to before me this 22 day of March, 1981

~~(Notary Public)~~

Residing at Munawar Indho
My Commission Expires Feb. 1961

Affidavit of Publication

THE RIGBY STAR

RECEIVED

APR 24 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Marie Nye, do solemnly swear that I am the
Publisher of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on the

Second day of April, 19 81

and the last publication on the

Ninth day of April, 19 81

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Marie Nye

Publisher

Subscribed in my presence and sworn to before me this Ninth
day of April, 19 81.

[SEAL]

Alderson O. Nye

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19

Publication Fee: \$ 13.94

NOTICE OF CLAIM
Source: Annis Slough
Irrigation System
Flooded 12/01/1980
Annis Slough
Direction Point: NWNE
SWNE Sec 24 T 24N R 36E
Jefferson Co.
Irrigation (4.00 GPS)
from 04/01 to 11/01
Place of Use: NWNE SWNE
NE NW Sec 24 T 24N R 36E
SWNE Sec 24 T 24N R 36E for
60 acres
Direction Means: Pump &
Headgates.
Any objection to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 150 Group Ave.,
Idaho Falls, Idaho 83401.
G. Stephen Alfred
Director

Published April 2 and 3, 1981

NOTARY PUBLIC

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

Right Number 25 4095 Applicant Scott

NOTE: 25-4095 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
 - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
 - ☒ Source.
 - ☒ Quantity, use, period.
 - ☒ Point(s) of diversion.
 - ☒ Location of use.
 - ☒ Signature/notarization/fee.
- 4/20

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date April 30, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 5/8/81



3/79

IDENT. NO. 25 4095

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

APRIL 23, 1981

LYLE W. SCOTT
RT. 3 BOX 176
RIGBY

ID 83442

RE: Claim No. 25-4095

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

MARCH 27, 1981

The Risby Star
P. O. Box 37
Risby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 20, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.



NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published 4/02 & 4/09/81.

25-4095-

SCOTT, LYLE W.

RT. 3 BOX 176, RIGBY, ID 83442

Source: ANNIS SLOUGH tributary to SNAKE RIVER

Priority Date: 05/01/1970

Amount: 4.00 CFS

Diversion Point: NWNE SWNE Sec 25 T 05N R 38E, JEFFERSON Co.

Use: IRRIGATION (4.00 CFS) from 04/01 to 11/01

Place of Use: NWNE SWNE NENW Sec 25 T 05N R 38E SWSE Sec 24 T 05N R 38E
FOR 60 ACRES

Diversion Means: PUMP & HEADGATES.

RECEIVED
JUN 11 1970
RIGBY, ID