

RECEIVED

AUG 21 2003

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 19 2003	
By _____	Clerk
_____	Deputy Clerk

**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	)	Subcase 43-13309
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
_____	)	LATE NOTICE OF CLAIM

On May 23, 2003, Claimants Preston R. Allen & Sons, filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* August 19, 2003. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* to water right 43-13309 is **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated August 19, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

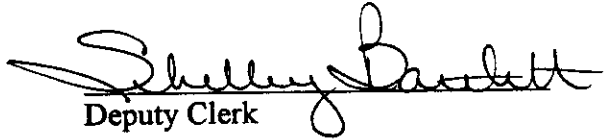
I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on August 20, 2003 with sufficient first-class postage to the following:

Preston R. Allen & Sons
2601 E. 300 S.
Declo, Idaho 83323

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, Idaho 83724

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


Deputy Clerk

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

Identification No. 43-13309
Date Received AUG 21 2003
Receipt Number 2070566

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

AUG 21 2003

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Preston R Allen & Sons Phone (208) 349-5573 or 308-0123
Mailing Address 2601 E 300S Declo Id Zip 83323

2. Date of Priority (Only one per claim) 01/01/1960 Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____

4. Location of point of diversion is: Township 11S Range 27E
Section 15, SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Cassia

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from 1/01 to 12/31 amount .04 (cfs)
(Both dates are inclusive)
For Domestic purposes from 1/01 to 12/31 amount .04

7. Total quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 300 - 500 hd

10. Place of use is: Township: 11S Range 27

Section 15, SE 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: Claim numbers 43-13309 and 43-13308 will take the place of Claim number 43-4188 ^{water right} Claim 43-4188 will be relinquished if this is accepted

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am General Partner

of Preston R. Allen + Sons, that I have signed the foregoing

document in the space below as General Partner of Preston R. Allen + Sons

and that the statements contained in the foregoing document are true and correct.

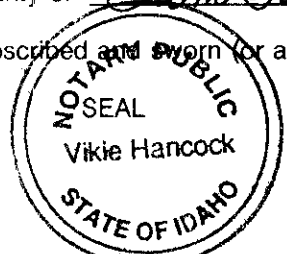
Signature of Authorized Agent Tony Allen Date 5-23-03

Title and Organization General Partner Preston R. Allen + Sons

State of Idaho/or _____)

County of Shoshone) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of May 2003



Notary Public [Signature]

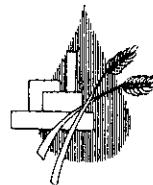
Residing at Bull, Idaho

My Commission Expires 5-7-2009

Last Name Allen & Sons Ident No. _____

RECEIVED

JUN 29 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern District Office

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 Preston Allen

(Name of Claimant)

Star Route, Box 63, Declo, Idaho 83323

(Mailing Address)

Telephone No. 349-5573

(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) Jan. 1, 1960

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)

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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.22 cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.08 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .30 cfs TOTAL QUANTITY USED.

(cfs, af)

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

SE 1/4 SE 1/4, Sec. 15 Twp. 11S Rge. 27E B.M., County of CassiaAdditional points of diversion: SE 1/4 SE 1/4, Sec. 16, T11S, R27E, Cassia Co.

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. Two drilled wells, pumps, underground piping systems.

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	27E	15																X	X
11S	27E	16																X	X

No. of acres X

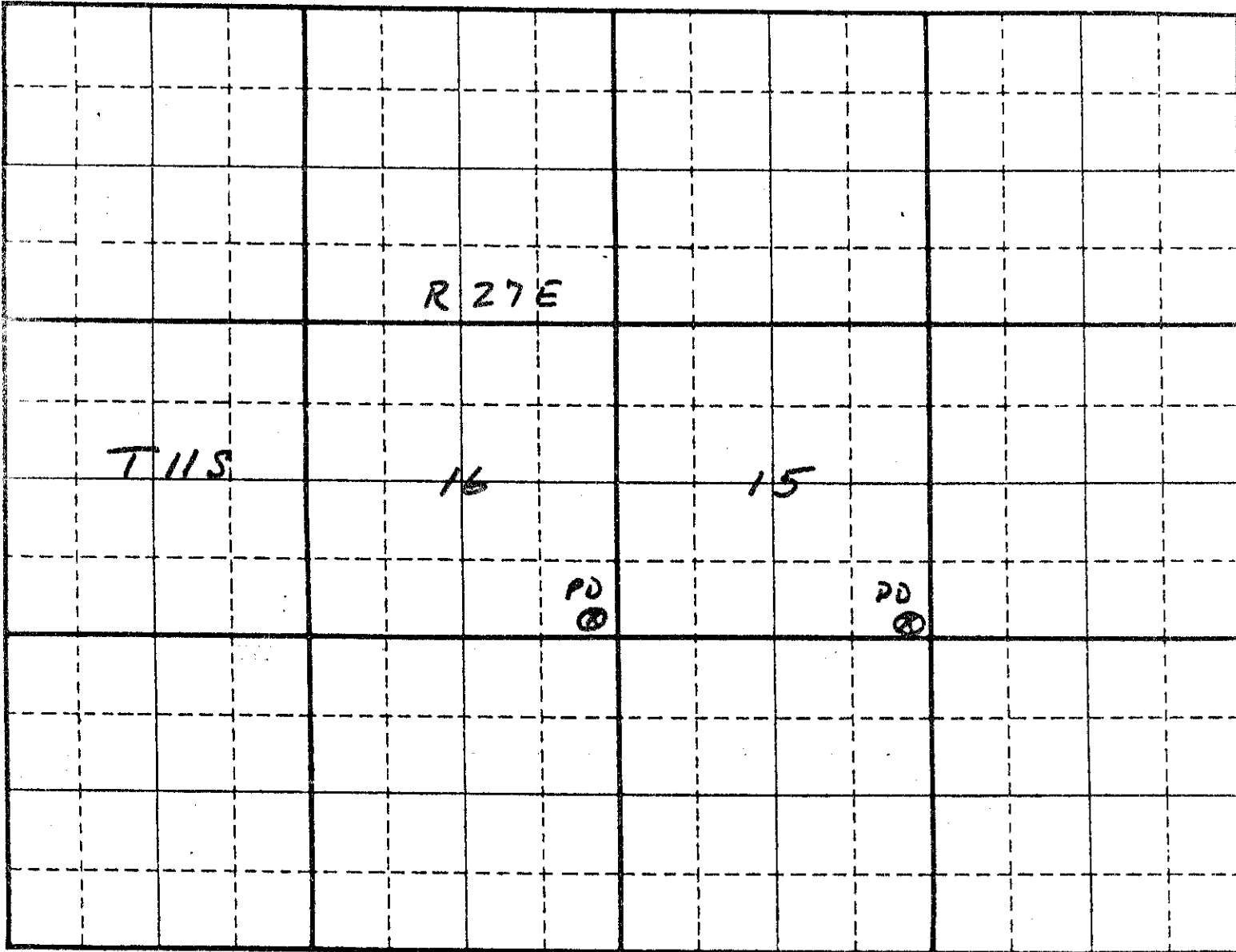
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater and domestic usage for two families and households.

NOTE: Include here the type and number of stock watered: 1000 head of cattle.

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

43-4188

5) Remarks Diversion rate for stockwater based on 12 gpd per head diverted over a 2 hour period.



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 Bannock) 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 28 day of June

Preston D. Allen
(Claimant)

Arnold Seely
Notary Public
Residing at Blackfoot, Idaho

My commission expires life

FOR DEPARTMENT USE ONLY

Received by me Date 6/29/83 Exception filed by: _____ Date _____
Prelim. check by ADN Date 7/5/83
\$30.00 fee received by me Date 6/30/83 # 2202
Published in South Idaho Press
Dates 7/8 + 7/15/83

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-04188

NAME AND ADDRESS: PRESTON ALLEN
2601 E 300 S BOX 63
DECLO, ID 83323

SOURCE: GROUNDWATER

QUANTITY: 0.30 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION: T11S R27E S15 SESE Within Cassia County
S16 SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.22 CFS
	Domestic 2 HOMES	01-01 TO 12-31	0.08 CFS

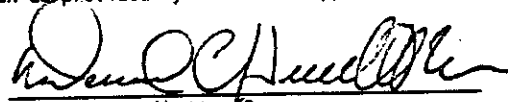
PLACE OF USE: Stockwater Within Cassia County
T11S R27E S15 SESE
S16 SESE

Domestic Same as Other Use
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication