

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 22 2004	
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

Case No. 39576

**ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM
For water right: 29-13666**

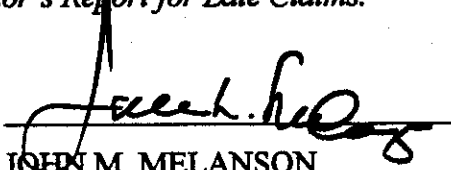
On November 21, 2003, Claimant Sara Davis, through Bill Field (presently in the process of purchasing the Davis property), filed a *Motion to File Late Notice of Claim* for water right 29-13666. On April 20, 2004, a hearing was held, and the Claimant, Sara Davis, appeared. No information was provided to the Court that Bill Field is an attorney representing Sara Davis. Attorney Kent Higgins, appearing on behalf of Margaret Stahlwood by telephone, opposed the motion on the grounds that "good cause" had not been shown. However, no *notice of appearance* was filed with the Court in connection with that opposition.

Following the hearing the Court determined that the subject claim was for a small domestic and stockwater right, which are presently deferrable in the SRBA procedure and "good cause" is not required to file such claims. (The amount of the filing fee paid added confusion as to whether claim was in fact a small domestic and stockwater claim.)

Therefore, IT IS ORDERED, that water right 29-13666 is hereby **allowed** to proceed as a claim. IT IS FURTHER ORDERED that **only Sara Davis or an attorney representing her be allowed participate** on her behalf before proceedings in this matter, unless the appurtenant land is sold and/or a proper transfer of ownership completed through the Idaho Department of Water Resources (IDWR)..

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the I.D.W.R for further action. Stahlwood, or any other party to the adjudication, will have the opportunity to contest the claim following the claim being reported in a forthcoming *Director's Report for Late Claims*.

Dated: April 22, 2004



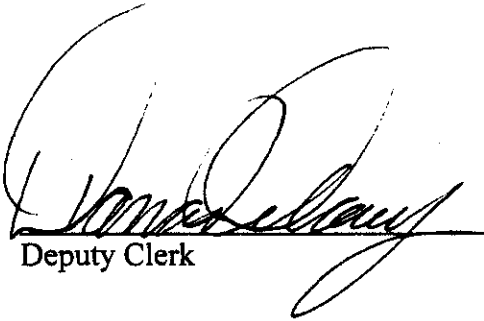
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 April 22, 2004, with sufficient first-class postage to the following:

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

Sara Davis
PO Box 119
McCammon, ID 83250



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. 29-13666

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Sarah Davis Phone (208) 254-9254

Mailing Address P.O. Box 119, McCall, ID 83250 Zip 83250

2. Date of Priority (Only one per claim) 7/1/1965 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Spring
Name or kind of source

which is tributary to (b) Sinks

4. Location of point of diversion is: Township 9S Range 36E

Section 22 NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot 9 BM.,

County of Bannock

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. underground buried 1" PVC pipe

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

For Stock purposes from 7/1 to 12/31 amount 0.01 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.01 (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) horse & cattle 10 head total

10. Place of use is: Township: 9S Range 36E
Section 22, NW 1/4 of SW 1/4, Govt. Lot 9, B.M.,
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? Bannock

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.

X None or _____

14. Remarks: _____

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

Number of Attachments 2

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

Signature of Claimant (s) [Signature] Date 4/19/03

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

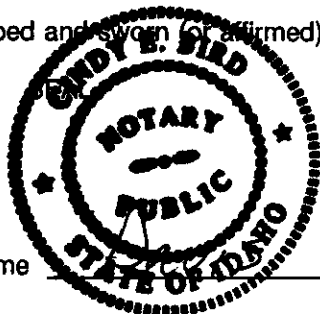
Title and Organization _____

State of Idaho/or _____)

County of Bannock) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 19th day of November 19 2003



Notary Public Cindy E Buid

Residing at Tava Hot Springs

My Commission Expires 5-1-03

Last Name _____ Ident No. 29-13666

Copies: White-State, Yellow-Claimant

IDAHO ORGANIC CO. LLC
FIRST AMENDMENT/NANCI F. FIELD
P.O. BOX 119
MCCAMMON, ID 83250

92-378 3158
1241

1268

11/22/03

Date

Pay To
The Order Of

ISWR

\$ 25.00

Twenty Five and No/100

Dollars



Security Features
Included
Details on Back

WELLS FARGO BANK NORTHWEST, N.A.
650 YELLOWSTONE
POCATELLO, ID 83201
WWW.WELLSFARGO.COM

For *34576 IS# 29-13666*

Nanci F. Field

⑆124103799⑆1778914935⑆ 1268

89° 11' NE
1000m E

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

112° 15'
42° 37' 30"

398000m E

4719000m N

12' 30"



MUETING, CONSTANCE MARIE

DAVIS, SARAH