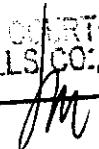


RECEIVED
JUL 28 2004
DEPARTMENT OF
WATER RESOURCES

2004 JUL 27 PM 3:15

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

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	)	ORDER GRANTING MOTION TO
	)	FILE LATE NOTICE OF CLAIM
Case No. 39576	)	
	)	Subcase 65-11037
_____	)	

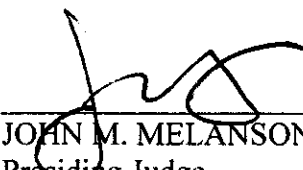
On March 8, 2004, claimant Jim Powell, filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* on July 20, 2004. After hearing from the claimant the matter was taken under advisement. No objections were filed to the *Late Notice of Claim*. A review of the files from the Payette Adjudication indicates the claim was previously decreed in the Payette Adjudication. Therefore, the Court finds that good cause exists for granting the instant *Motion*.

THEREFORE, IT IS ORDERED, that the *Motion to File Late Notice of Claim* for water right 65-11037 is **granted**.

The original Notice 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 July 27th, 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 July 27, 2004, with sufficient first-class postage to the following:

JAMES L POWELL
PO BOX 573
MERIDIAN, ID 83680
Phone: 208-888-5630

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 7/27/04

FILE COPY FOR 00975

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

975 RECEIVED

APR 08 2004

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

2004 APR 12 PM 1:09 CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 65-11037
Date Received: 1/1/1900
Receipt No: C074649
Received By: M

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JIM POWELL Phone:

PO BOX 496
MERIDIAN ID USA 83642

2. Date of Priority: 04/01/1940

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	04E	20	3	BOISE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.06	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	04E	20	SW NE	3	IRRIGATION	3
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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.

RECEIVED

APR 08 2004

Department of Water Resources

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):

James D. Powell

Date: *4-6-04*

4-6-04

Date:

State of Idaho)

County of

Ada

) SS.

Subscribed and sworn (or affirmed) before me this

6th day

of *April* 20*04*

Cheryl L. Scheuerman

Notary Public

Residing at

Boise City, Ada County

My commission Expires _____

CHERYL L. SCHEUERMAN
Notary Public
State of Idaho

MY COMMISSION EXPIRES
July 22, 2008
BONDED THRU NOTARY PUBLIC BOARD

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETER-
MINATION OF RIGHTS TO THE USE OF
PAYETTE RIVER

 DRAINAGE BASIN.

**NOTICE OF CLAIM
TO A
WATER RIGHT**

65-11037

I.D. No.

Map No.

\$

Fee Paid

Receipt No.

Notice is hereby given that Jim Powell

(Name of Claimant)

4117 Grover, Boise, ID 83705

(Mailing Address)

(Zip Code)

Telephone No. 067

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, or priority date of decree) April 1, 1940
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) South Fork Payette River 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:
- | | | |
|-------------------------|-------------------------------------|---|
| Quantity <u>.06 cfs</u> | Use <u>irrigation</u> | Period of Use From <u>Apr. 1</u> To <u>Nov. 1</u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u> </u> | Use <u> </u> | Period of Use From <u> </u> To <u> </u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u> </u> | Use <u> </u> | Period of Use From <u> </u> To <u> </u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both dates inclusive) |
| Quantity <u> </u> | Use <u> </u> | Period of Use From <u> </u> To <u> </u> |
| (CFS, GPD, AF) | (Domestic, irrigation, stock, etc.) | (Mo., Day) (Mo., Day)
(Both dates inclusive) |
- (4) .06 cfs TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF)
- (5) A) Point of Diversion: Give location of point where water is diverted from its source SW % NE %
Sec. 20, Twp. 9N, Rge. 4E, B.M., Boise County
Additional Points: Gov't Lot 3
- 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.
pump and pipeline
- (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	
9N	4E	20			3														3
					(Lot 3)														

Total no. of acres 3

B) 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:

- (7) If you are claiming water as a member of an organization, list name of organization:
- (8) Remarks
- (9) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
DVS ☐ B) Right decreed by court, cite title of case.
- ☐ C) Right based on application, permit, license, or previous statutory claim filed with the Idaho Department of Water Resources. Give No.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

October 19, 1977

(Date)

Individual

(Signature of Claimant)

Organization

(Signature of Spouse)

State of IDAHO

Organization

County of ADA

ss.

Seal

(Signature of Authorized Agent)

On this 19th day of October, 1977, in the year 1977 before me

a notary public, personally appeared Jim Powell
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

My commission expires Sept 10, 1980Notary Public residing at Boise, IdahoDavid A. Tuttle