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AUG 23 2002

Department of Water Resources

2002 AUG 22 PM 12:05

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

Case No. 39576

)
) **Subcase(s): 65-2457 and 65-10973**
)
) **ORDER GRANTING MOTION TO FILE**
) **LATE NOTICE OF CLAIM**

On May 14, 2002, M.C. Shelly Family Trust filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* August 20, 2002. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 65-2457 and 65-10973 is granted.

The original Notice of Claim, as well as any filing fees submitted, 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 22, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM

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 22, 2002, with sufficient first-class postage to the following:

Michael Derrick, Trustee
M.C. Shelley Family Trust
95 SW 4th Ave
Ontario, OR 97914

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

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

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 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:

Ident. Number

Date Received

Receipt Number

39576
65-10973
8-23-02
2044144

2044144-02

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 23 2002

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Michael Derrick, Trustee, M.C. Shelley Family Trust Phone (208) 889-2999

Mailing Address 95 SW 4th Avenue, Ontario, Oregon UTA dated 10/14/93 Zip 97914

2. Date of Priority (Only one (1) per claim) 6/01/1952

3. Source of water supply (a) _____
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 9N Range 5W Section 32,
NE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Payette

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Domestic Well

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/01 to 12/31 amount .04 or _____

For Stockwater purposes from 1/01 to 12/31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Service to one residence and 3-5 cows

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	5W	32									D								
											S								

Total number of acres irrigated _____

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

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.

or None (X)

14. Remarks:

Last Name McShelley Farm Trs Ident No. 65-10973

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 65-10973

Court _____ Case Number _____ Decree Date 1/21/86

Plaintiff vs 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 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 Trustee

Title _____

of M.C. Shelley Family Trust, that I have signed the foregoing

Organization

document in the space below as Trustee

of M.C. Shelley Family Trust

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization Trustee

Date 5-8-02

State of Idaho/or Idaho

County of Canyon

SS.

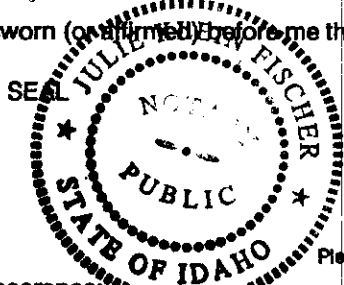
Subscribed and sworn (or affirmed) before me this

8th

day of

May

16 2002



Notary Public _____

Residing at _____

New Plymouth, ID

My Commission Expires _____

12/21/05

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Julie Klein Fischer will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address White Peterson, 5700 East Franklin Road, Suite 200, Nampa, Idaho 83687

Date _____

5-10-02

Last Name M.C. Shelley

Ident. Number 65-2457 10973