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MAY 29 2002

Department of Water Resources

2002 MAY 28 PM 3: 56

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	)	Subcase 65-22678
	)	(Previously 65-00058)
Case No. 39576	)	
	)	ORDER GRANTING MOTION TO FILE
_____	)	LATE NOTICE OF CLAIM

The Idaho Department of Water Resources recommended water right 65-00058 to Montour Farmers Ditch Company but this number was found to be an existing irrigation water right for Montour Farmers Ditch Company. Therefore, the new number 65-22678 has been assigned to this water right in place of the previous subcase 65-00058.

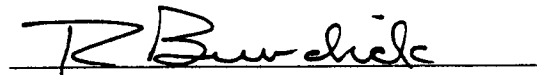
On February 28, 2002, Claimant Montour Farmers Ditch Company filed a *Motion to File Late Notice of Claim*. A hearing was held on the *Motion* May 21, 2002. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 65-22678 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: 5-28-02


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 5/28/02, with sufficient first-class postage to the following:

Montour Farmers Ditch CO
10040 Gatfield Rd
Emmett ID 83617

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

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Form No. 42-1409 (2) b 9/88

MAY 29 2002

JAN 17 2002

IN THE DISTRICT COURT OF THE ~~Department of Water Resources~~ DISTRICT OF THE ~~Department of Water Resources~~
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

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

Identification No. _____
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) Montour Farmers Ditch Phone (208) 584-3314
Mailing Address 10040 Garfield Road Emmett, ID Zip 83617

2. Date of Priority (Only one per claim) 6-23-1884 Month/Day/Year

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

4. Location of point of diversion is: Township 7N Range 1E
Section 25, SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of _____

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. Limited to the irrigation of 823 Acres within the Montour Farmers Ditch Co boundaries in a single irrigation season.

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

For Stockwater purposes from 1-1 Month/Day to 12-31 Month/Day amount ? (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed ? (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) This application is in response to the letter from IDWR of May 4, 2001 in which it is indicated that the above water right (65-58) may not include stockwater rights which have historically been used year around.

10. Place of use is: Township: within Montour Farmers Ditch Co boundaries
Section _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,
County of _____ 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? Gem
12. Do you own the property listed above as place of use? Yes _____ No Several ownerhsips
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: _____

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 65-58

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 _____

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

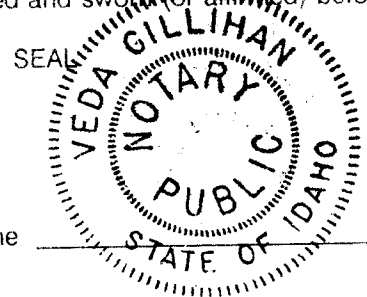
Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary - treasurer Title
of Montour Farmers Ditch Co that I have signed the foregoing
document in the space below as Secretary Title of Montour Farmers Ditch Co Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don McLaughlin Date 1-15-02
Title and Organization Secretary - Treasurer - Montour Farmers Ditch Co

State of Idaho/or _____ }
County of Gem } SS.

Subscribed and sworn to (affirmed) before me this 15th day of January 2002



Notary Public Veda Gillihan
Residing at Emmett ID
My Commission Expires 2-12-08

Last Name _____ Ident No. _____
Copies: White-State, Yellow-Claimant