

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 36-16081
)

Case No. 39576

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)

On August 21, 2002, Claimants Scott and Diana Breeding filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* November 19, 2002. 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 36-16081 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 November 21, 2002.



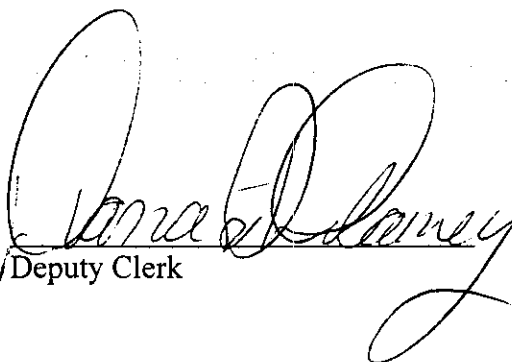
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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 November 21, 2002, with sufficient first-class postage to the following:

Scott Breeding
Diana Breeding
2417 E 1300 S
Hazelton, ID 83335

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



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

Ident. Number 36-16081
Date Received: 8/20/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIANA BREEDING Phone: (208) 829-4264
SCOTT BREEDING
2417 E 1300 S
HAZELTON ID USA 83335

2. Date of Priority: 08/15/1999

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	21E	30	NW NW NW 2	JEROME	

5. Description of diverting works:

well piped approximately 640 feet. Pump set at 344 ft.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	21E	19	SW SW	4	DOMESTIC	

11. Place of use in counties: JEROME

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

13. Other Water Rights Used:

14. Remarks:

The point of diversion is located near the section line and may in fact be just over the line from the identified location. Stockwater use is a part of the domestic use and is for 120 llamas.

Claim was set to temporary status pending court approval for filing a late claim as of 8-20-2002

15. Basis of Claim: Beneficial Use

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Scott Breeding

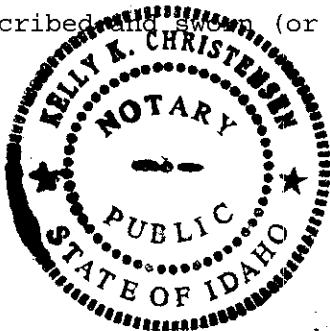
Date: 8/20/02

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day of Aug 2002



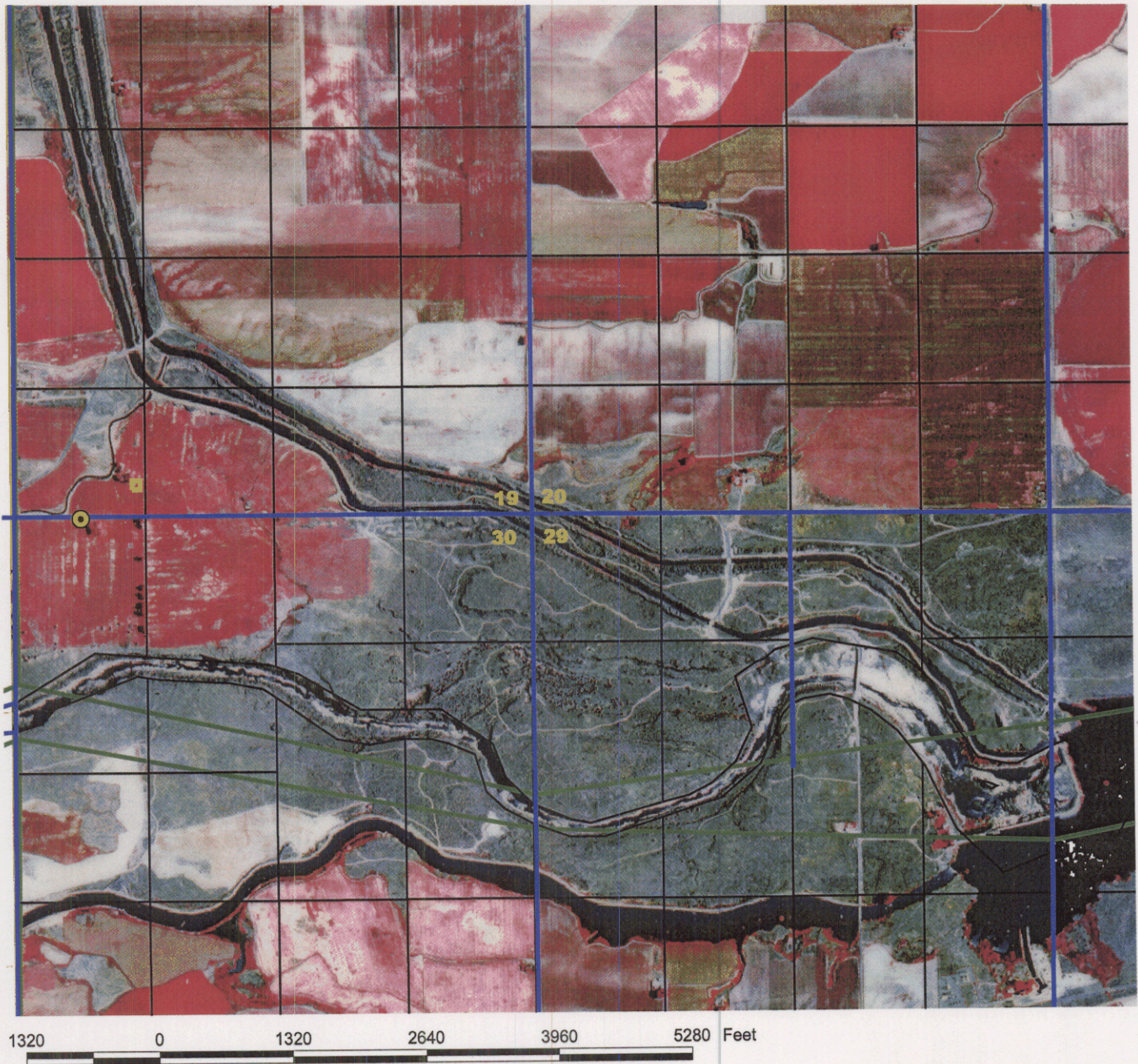
Kelly K. Christensen
Notary Public

Residing at Twin Falls ID

My commission Expires 3-11-04

Idaho Department of Water Resources

**claimed place of use for
36-16081**



PLACE OF USE
TWP 10S, RNG 21E, SEC 19
Data entry on August 20, 2002

-  CLAIMED POINT OF DIVERSION
-  CLAIMED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



Scott and Diana Breeding
2417 E. 1300 S.
Hazelton, ID 83335

To Whom It May Concern,

This letter is to explain why we are filing a late claim on a domestic well. We bought 200 plus acres in January of 1990 with the intention of building a house on it some day. The place had a very old existing well but we had no idea if it was usable and no money at that time to have it checked out.

Apparently the man we bought the place from received a commencement notice to file but I don't know if or when we ever received a copy.

We finally started using the well in August of 1999. It turns out the well itself was fine. We went into the IDWR on at least 3 separate occasions over the years to file and were told each time that it wasn't necessary to file on domestic wells, so why pay the fee.

The situation is that a huge dairy is planning on moving in within a mile of us and they plan to drill 2 new wells and still use the exiting well also, all the while claiming that of course they won't abuse their original water right. This is in an area where the ground water has dropped and several wells have already gone dry.

Therefore we feel it is very important to have a record of our well.

THANK YOU,

Diana Breeding

Diana Breeding

8/21/02

SCOTT BREEDING
DIANA BREEDING
2417 EAST 1300 SOUTH
HAZELTON, ID 83832
208-888-4200

1241

3872

Pay to the
Order of

25.00

FARMERS NATIONAL BANK
EVEN FALLS ID 83831
EVEN FALLS BRANCH

Security Features
Included. Details
on Back.

Diana Breeding