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DEPARTMENT OF
WATER RESOURCES

2005 JAN -5 PM 4:40

ASTORIA COUNTY-SRBA
TWIN FALLS CO., IDAHO

**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 rights: 34-13851**
)
)

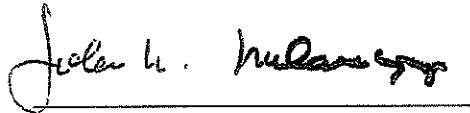
On September 28, 2004, Claimant David T. Keele, represented by Mr. Travis L. Thompson, filed a *Motion to File Late Notice of Claim* for the above water right. On December 21, 2004, a hearing was held on the *Motion*. Mr. Thompson appeared to support the claim. Candice McHugh of the Idaho Department of Water Resources appeared to address the Court.

Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted, particularly since this claim is for a small domestic and stock water right that has been deferrable in the SRBA.

Therefore, IT IS ORDERED, that the above water right is hereby **allowed** to proceed as a claim.

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.

Dated: January 5, 2005.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

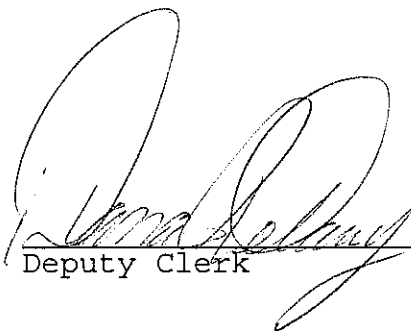
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 05, 2005, with sufficient first-class postage to the following:

DAVID KEELE

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE WEST, SUITE 303
TWIN FALLS, ID 83301-6167
Phone: 208-733-0700

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

A handwritten signature in black ink, appearing to read "David Kelley", is written over a horizontal line. The signature is fluid and cursive.

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. 34-13851

Date Received 1-10-05

Receipt Number CD10324

**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) DAVID KEELE Phone () (208) 554-2911
Mailing Address HC 60 BOX 25, MOORE, ID Zip 83255

2. Date of Priority (Only one per claim) 03/01/1884 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) ANTELOPE CREEK
which is tributary to (b) BIG LOST RIVER Name or kind of source

4. Location of point of diversion is: Township 04N Range 24E
Section 18, SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,
County of CUSTER

Additional points of diversion if any: NONE

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. HEADGATE ON THE CREEK, EXISTING DITCH TO PLACE OF USE

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

For STOCKWATER purposes from 10/16 Month/Day to 4/30 Month/Day amount 0.02 (cfs)

(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed N/A (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) TO WATER 100 HEAD OF CATTLE THROUGH THE WINTER

10. Place of use is: Township: 04N Range 24E

Section 8, SWNE, SENE, NESE, NWSE 1/4 of 1/4, Govt. Lot , B.M.,

County of CUSTER for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any NONE

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

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.
NONE

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 X 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) David Hule Date Sept. 24, 04
 Date

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

of Organization , that I have signed the foregoing

document in the space below as Title of Organization

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

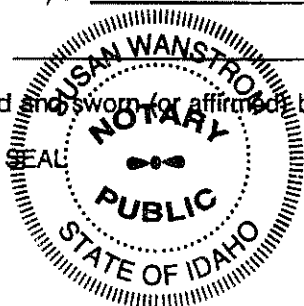
Signature of Authorized Agent Date

Title and Organization

State of Idaho/or)

County of) SS.

Subscribed and sworn to before me this 24th day of Sept. 1904



Notary Public Susan Wanstrom

Residing at Paco, Idaho

My Commission Expires 09-16-08

Last Name Ident No.

Idaho Department of Water Resources Receipt

Receipt ID C076324

Payment Amount	\$25.00	Date Received	1/6/2005 12:33:27 PM	Region	State	Status
Payment Type	Check	Check Number	1392			

Payer BARKER, ROSHOLT & SIMPSON LLP

Comment CLAIM TO A WATER RIGHT IDENT.#34-13851

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)