

2005 JAN -5 PM 4: 51

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

)
)
) **ORDER GRANTING MOTION TO FILE**
) **LATE NOTICE OF CLAIM**
) **For water rights: 65-22920**
)
)

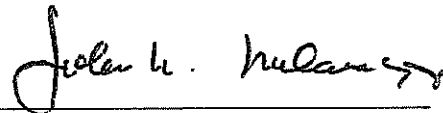
On October 7, 2004, Claimants Harold and Evea Powers filed a *Motion to File Late Notice of Claim* for the above water right. On December 21, 2004, a hearing was held on the *Motion*. Mr. Powers appeared by telephone to support the claim. No other parties appeared to oppose the *Motion*.

The Court questioned the Claimant as to whether the *Motion* was necessary, since the Claimant was claiming a priority date of 2003. The Claimant responded that he had been directed by the Idaho Department of Water Resources to file the *Motion*. 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.

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:

EVEA H POWERS
HAROLD A POWERS
HAROLD A & EVEA H POWERS TRUST
7680 APPALOOSA LANE
EMMETT, ID 83617
Phone: 208-365-3776

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

RECEIVED

SEP 21 2004

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

CIVIL CASE NUMBER: 39576

Identification No. 605-22920Date Received 9/21/04Receipt Number C075230IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMNOTICE OF CLAIM
TO A
WATER RIGHTACQUIRED 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) Harold A. Powers & Evee H. Powers - CO-Trustees
of the Harold A & Evee H. Powers Trust Phone (208) 368-3876Mailing Address 7680 Appaloosa Lane, Emmett, ID Zip 836172. Date of Priority (Only one per claim) August, 07, 2003 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____4. Location of point of diversion is: Township 6 North Range 3 West
Section 13 SW 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.,
County of Gem

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. Well 187 feet deep. Deep well pump installed. Surface distribution
Pipe to house, lawn & garden.

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

For Domestic purposes from January 1 Month/Day to December 31 Month/Day amount 0.02 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.02 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type
and Number of livestock) one household

SCANNED

SEP 30 2004

10. Place of use is: Township: North Range 3 West
Section 13, NE 1/4 of SE 1/4, Govt. Lot _____, B.M.,
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 _____
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.
(X) None or _____

14. Remarks: Emmett Irrigation District provides water for 7 Ac. This is only available when water is in the canal and is for irrigation only.

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 0

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

Signature of Claimant (s) Harold A. Powers Date 09-20-04
Evea H. Powers Date 9/20/04

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

of _____ Title _____ that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

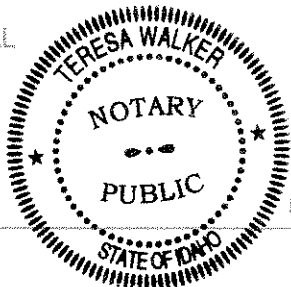
State of Idaho/or _____)

County of Gem) SS. _____

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 20th day of September 2004

SEAL



Notary Public Teresa Walker

Residing at Emmett Id

My Commission Expires 4/16/09

Last Name Powers Ident No. 65-22920

Copies: White-State, Yellow-Claimant

SCANNED
SEP 30 2004