

2005 FEB 10 PM 4:12

DISTRICT COURT - 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 right: 65-22807**  
)  
)

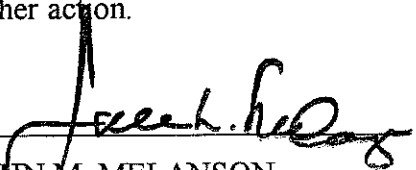
On July 23, 2003, Claimant Kathryn Moffis filed a *Motion to File Late Notice of Claim* for the above water right. On August 11, 2003, the Claimant filed an *Amended Notice of Claim*, which corrected an error in the legal description for the claim. On October 22, 2003, a hearing was held on the *Motions*. The claimant did not appear. On December 16, 2003, a second hearing was held on the *Motions*, but the claimant did not appear. No one appeared to oppose the *Motions*.

After reviewing the file, the Court has concluded that this right is a small domestic claim; therefore, the water right could be deferred in the SRBA, and good cause does not need to be shown by the claimant for the *Motion to File Late Claim* to be granted. It appears that fees for a domestic right have been paid in this matter.

Therefore, IT IS ORDERED, that the above water right, as amended by the *Motion to File an Amended Notice of Claim*, is hereby **allowed** to proceed as a claim.

The original Notice of Claim, as well as a copy of the receipt, and a copy of this **Order** will be forwarded to the I.D.W.R for further action.

Dated: February 10 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 February 10, 2005, with sufficient first-class postage to the following:

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

MARY ANNE GRAY  
1305 JOHNSON ST  
BOISE, ID 83705

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 65-22807  
Date Received: 7/9/2003  
Receipt No: W030691  
Received By: RDH

**AMENDED**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TERRELL MOFFIS Phone: (208)365-1684  
6051 W IDAHO BLVD  
EMMETT ID USA 83617

OR

KATHRYN MOFFIS Phone: (208)365-1684  
6051 W IDAHO BLVD  
EMMETT ID USA 83617

2. Date of Priority: 10/19/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range                 | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-----------------------|---------|-----------------------|--------|------|
| 07N      | <del>02E</del><br>02W | 31      | SE SE                 | GEM    |      |

5. Description of diverting works:

4 INCH ARTESIAN WELL, PIPED TO 2 HOMES

6. Water is used for the following purposes:

| Purpose  | From  | To    | C.F.S. | (or) A.F.A |
|----------|-------|-------|--------|------------|
| DOMESTIC | 01/01 | 12/31 | 0.06   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:  
Number of homes: 2

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use      | Acres |
|----------|-------|---------|------------|-----|----------|-------|
| 07N      | 02W   | 31      | SE         | SE  | DOMESTIC |       |

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC USE FOR 2 HOMES.

SINGLE OWNERSHIP OF BOTH HOMES.

FEE PAID UNDER RECEIPT W030691

15. Basis of Claim: Beneficial Use

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

Signature of Claimant(s): Kathryn Mayes Date: 8-8-03  
\_\_\_\_\_ Date: \_\_\_\_\_

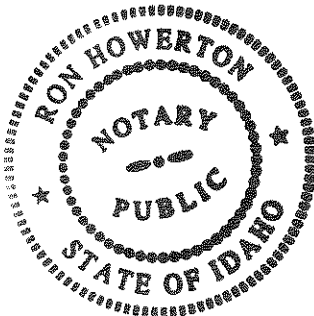
State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 8th  
of Aug 2003

Ron Howerton

Notary Public

Residing at Ron Howerton  
Residing at Boise, Idaho  
My commission Expires December 8, 2006



W6 TOPO

POD

Domestic

Domestic

Gravel Pit

T07N, R02W,  
S31, SESE

SANDY CREEK

