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DEPARTMENT OF DISTRICT COURT-SRBA
WATER RESOURCES 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 36-16311 and 36-16312
)

Case No. 39576

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

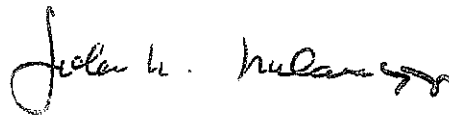
On April 11, 2005, David L. and Hallie Torres filed a *Motions to File Late Notice of Claim*. Hearing was held on the *Motion* July 19, 2005. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* water rights 36-16311 and 36-16312 are **granted**.

The original Notice 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 July 21, 2005



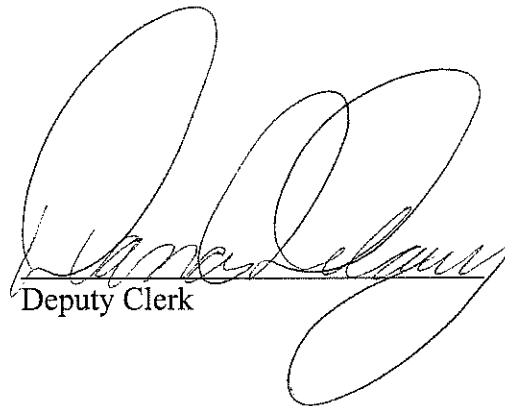
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 July 21, 2005, with sufficient first-class postage to the following:

David L. Torres
Hallie Torres
3009 S 2000 E
PO Box 557
Wendell, ID 83355

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

RECEIVED
JUL 25 2005
DEPARTMENT OF
WATER RESOURCES

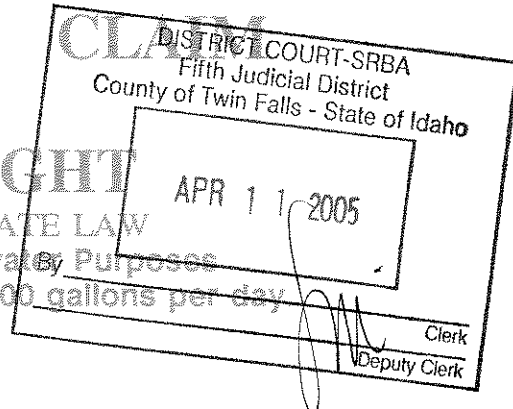
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 36-16312Date Received 7-25-05Receipt Number CO 78664

NOTICE OF
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 or Hallie Tones Phone (208) 536-5460
Mailing Address P.O. Box Wendell Zip 83355

* 2. Date of Priority (Only one per claim) 5-14-92 Month/Day/Year

3. 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 8 S Range 15 E
Section 4 1/4 of NE 1/4 of NE 1/4, Govt. Lot 1 BM.
County of Gooding

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. _____

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

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.06 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.06 (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) 2 COWS on one well

10. Place of use is: Township: 0 S Range 15-E
Section 4 NE 1/4 of NE 1/4, Govt. Lot 1 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? Gooding

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.
() None ☒ or _____

14. Remarks: Shares In Northside Canal co - for Irrigation purposes
TOTAL acres 15.68

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 _____

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 L. Torres
David L. Torres
Hallie R. Torres

Date

3-28-05

Date

3/28/05

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

of _____, that I have signed the foregoing

Organization

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 _____)

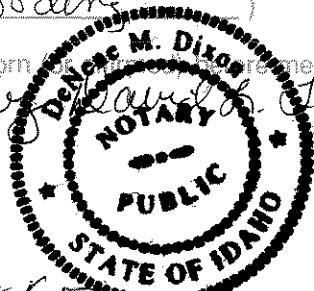
County of Gooding)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn to before me this _____ day of _____, 2005

SEAL



Notary Public

Residing at _____

My Commission Expires _____

Last Name

Torres

Ident No.

36-16312

Copies: White-State, Yellow-Claimant

WARRANTY DEED

For Value Received, A. W. Hartwell and Grace B. Hartwell, Husband and Wife,

the grantors, do hereby grant, bargain, sell and convey unto

Billy Brown,

the grantee, the following described premises, in..... Gooding..... County Idaho, to wit:

A tract of land north of the Oregon Short Line Railroad right of way in the North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) of Section Four (4), Township Eight (8) South, Range Fifteen (15), East, Boise Meridian, more particularly described as follows:

Beginning at the northeast corner of said Section 4, thence south along the east line of said Section a distance of 792.8 feet to the north boundary of the Oregon Short Line Railroad right of way, thence in a northwesterly direction along said north boundary of said right of way 2177 feet to the north line of Section 4, thence east along said line 1913 feet to the place of beginning, said tract of land comprising 17.4 acres, more or less;

Together with 17.4 shares of the capital stock of the North Side Canal Co., Ltd.

(Reserving, however, unto the grantors 1.75 acres thereof, together with 1.75 shares of the capital stock of said North Side Canal Co., Ltd., which said excepted tract is described as follows: Beginning at the northeast corner of said Section 4, thence South $0^{\circ} 11'$ West along the east boundary of said Section 4 for a distance of 305.8 feet, thence North $83^{\circ} 08'$ West for a distance of 269.2 feet, thence North $2^{\circ} 28'$ East for a distance of 276.0 feet to the north boundary of said Section 4, thence South $89^{\circ} 49'$ East along the north boundary of said Section 4 for a distance of 258.0 feet to the point of beginning.)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with said Grantee, that the y are the owner s in fee simple of said premises; that they are free of all incumbrances

that t he y will warrant and defend the same from all lawful claims whatsoever.

d: December 31, 1964.

E OF IDAHO, COUNTY OF Jerome, SS.

On this 31 day of December, 1964, me, a notary public in and for said State, personally and A. W. Hartwell,

n to me to be the person whose name is

ribed to the within Instrument, and acknowledged to that he executed the same.

John W. Hartwell
Notary Public

ing at Jerome, Idaho
a. Expires December 17, 1966.

STATE OF IDAHO, COUNTY OF Jerome:

I hereby certify that this instrument was filed for record at the request of Willy Brown at 45 minutes past 1 o'clock P.m., this 5th day of January, 1965, in my office, and duly recorded in Book of Deeds at page

Willy Brown
Ex-Officio Recorder

By Walter J. Wright Deputy.

Fees \$ 1.80

Mail to: Box 248

For Value Received

BILLY H. BROWN, also known as BILLY BROWN and PEARL E. BROWN,
also know as PEARL BROWN, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CLYDE TIMMONS and NELLIE TIMMONS, husband and wife
whose address is: 3009 South 2000 East Wendell, ID 83355

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
to-wit:

SEE ATTACHED EXHIBIT "A" *note back page*
(containing one page)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: May 12, 1992

Billy H. Brown
Billy H. Brown

Pearl E. Brown
Pearl E. Brown

STATE OF IDAHO, COUNTY OF GOODING

On this 12th day of May, 1992
before me, a notary public in and for said State, per-
sonally appeared

148718

STATE OF IDAHO COUNTY OF GOODING

Filed for record of the request *Land Title & Escrow Inc.*

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 12, 1992

Billy H. Brown
Billy H. Brown

Pearl E. Brown
Pearl E. Brown

STATE OF IDAHO, COUNTY OF GOODING

On this 12th day of May, 1992,
before me, a notary public in and for said State, personally appeared

Billy H. Brown
and
Pearl E. Brown

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Janet A. Gorrell

Notary Public

Residing at Gooding

Commission expires: 2-28-1993

, Idaho.

148718

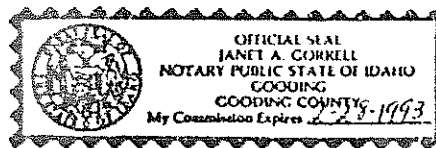
STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc.

05 min. past 4 o'clock P m. this 14
of May, 1992 Fee #600

JOHN A. MYERS Recorder

By Helen K. Pratt Depu



personally appeared

Filed for record at the request of Land Title & Escrow Inc.

EXHIBIT "A"

TOWNSHIP 8 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 4: That part of Lots 1 and 2, described as follows:

Beginning at the Northeast corner of Section 4;
Thence North 89°49' West along said Section line
258.0 feet to THE TRUE POINT OF BEGINNING;
Thence South 2°28' West 276.0 feet;
Thence South 83°08' East 269.2 feet to the East
line of Section 4;
Thence South 0°11' West along East boundary 487.0
feet to the North boundary of the Oregon Short
Line Railroad Right of Way;
Thence Northwesterly along said North boundary of
said right of way 2177 feet to the North line of
Section 4;
Thence South 89°49' East along said North boundary
1655.0 feet to THE POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditches
and ditch rights used thereon or appurtenant thereto,
including but not limited to 15.65 shares of stock
in the North Side Canal Company, Ltd.

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1992 and subsequent years, which are not due and payable.

Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

WARRANTY DEED

Clyde Timmons and Nellis Timmons, GRANTOR, of Wendell, County of Gooding, State of Idaho hereby CONVEYS or GRANTS and WARRANTS TO

David Torres and Hallie Torres, of Wendell, County of Gooding, State of Idaho, for good and valuable consideration the following described tract of land in Gooding County, State of Idaho:

TOWNSHIP 8 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 4: That part of Lots 1 and 2, described as follows:

Beginning at the Northeast corner of Section 4;

Thence North 89°49' West along said Section line

258.0 feet to THE TRUE POINT OF BEGINNING;

Thence South $2^{\circ}28'$ West 276.0 feet;

Thence South 83°08' East 269.2 feet to the East

line of Section 4;

Thence South $0^{\circ}11'$ West along East boundary 487.0

feet to the North boundary of the Oregon Short

Line Railroad Right of Way;

Thence Northwesterly along said North boundary of
said right of way 2177 feet to the North line of
Section 4;

Thence South 89°49' East along said North boundary
1655.0 feet to THE POINT OF BEGINNING.

Along with 15 shares water, Northside Canal Company.

WITNESS the hand of said Grantor this 29th day of October, 1993.

X: Clyde Simmons
Clyde Simmons

Nellie Timmons
Nellie Timmons

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 29th day of October, 1993, before me the undersigned, a Notary Public for said State and County, personally appeared CLYDE TIMMONS and NELLIE TIMMONS known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at Twin Falls
My commission expires: 2/27/97

SOUTH CENTRAL DISTRICT HEALTH DEPARTMENT **Application for Subsurface Sewage Permit**

Name CLYDE TIMMONS	Phone 534-5521	APPLICANT'S PROPOSAL Please identify house, well location, disposal area.
Mailing Address 3009 S 2000 E WENDELL, ID 8		
Legal Description and/or Property Location SAME		
Lot Size 15 ACRES		
New System ☒ Replacement ☐ Existing Permit No. _____		
No. of Bedrooms 5	2 trailers or Est. Volume	
I understand that installation/application must comply with State of Idaho or District rules, regulations, and standards. Health District must be notified two (2) working days prior to completion of installation; and that permit is valid for one (1) year from date of issue.		
Signature of Applicant Clyde Timmons		Date 5-14-92
		Nonrefundable Fee 50.00
		Receipt No. 19262

Site Evaluation			
Soil Type B-2	Effective Soil Depth Comp. 5.11 6' +	Test Holes Provided Yes	
Sizing Requirements Bed ☐ Trench ☐	Septic Tank Gal. 1000 + 1000	Drainfield Area 665	Replacement Area Provided Yes
Alternative System		Type	
Conducted by Mark W. Spelt	EHS	Date 5-15-92	Permit No. 24-2037
Comments 3 (3'x70') + 2 (3'x25')			

On-Site Construction Inspection			As-Built Construction Drawing
Septic Tank Size 1000	Baffles Installed Yes	Sealed Yes	
Drainrock Under Pipe 6"	Approved Aggreg. Yes		
Minimum Distance Met	Yes ☒ No ☐		
Effective Disposal Area 665	sq. ft.		
Manhole/Standpipe Depth 6"	Location		
Installed By Clyde Timmons			
Other			
Approved ☒ Disapproved ☐			
Completed By Mark W. Spelt			Date 6-22-92



DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2005

DAVID TORRES
HALLIE TORRES
PO BOX 557
WENDELL ID 83355

RE: Change of Ownership for Water Right 36-10403

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

OHIO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-10403

WATER RIGHT NUMBER: 36-10403

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID TORRES
Current Owner	HALLIE TORRES
	PO BOX 557
	WENDELL, ID 83355
	(208) 536-5460

Priority Date: 06/01/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 4, Twp 08S, Rge 15E, B.M.
GOODING County		

Place of Use

STOCKWATER Within GOODING County

T08S R15E S04 NENE

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP08S15E040187 STOCKWATER 30 HOLSTEINS

Dates and Other Information:

Decreed Date: 11/26/1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-10403

WATER RIGHT NUMBER: 36-10403

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NELLIE TIMMONS 3009 S 2000 E WENDELL, ID 83355
Original Owner	BILL H BROWN PO BOX 693 WENDELL, ID 83355 (208)536-2108
Current Owner	CLYDE TIMMONS 3009 S 2000 E WENDELL, ID 83355
Original Owner	PEARL BROWN PO BOX 693 WENDELL, ID 83355 (208)536-2108

*Current
Now*

DAVID + Hallie Torres
see warranty Deed
Between Timmons + Torres
Change of ownership has been
filed.

Priority Date: 06/01/1968

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4NE1/4 Sec. 4, Twp 08S, Rge 15E, B.M.
GOODING County

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	15E	4	X																

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-10403

Remarks:

1. Explanatory PARCEL NO. RP08S15E040187 STOCKWATER 30 HOLSTEINS

*Bill Brown - see warrant
Deed
Hortakel & Brown
1964*

Comments:

1. ROBERTSO 5/22/1992 OWNERSHIP CHANGE

Comment: CHANGE OF OWNERSHIP FORM RECEIVED 5/18/92 ORIGINAL OWNERS BILLY H AND PEARL BROWN. NEW OWNERS CLYDE AND NELLIE TIMMONS. COPY OF DEED SUBMITTED WITH FORM. A36-10403 ALSO CHANGED ON THIS DATE. IDWR TO CONTINUE REVIEW.

2. STK-PROD 10/30/1996 D&S STK-BLM UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Licensed Date:

Decreed Date: 11/26/1996

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Legal for David + Hallie Torres

That part of Lots 1 and 2, described as follows:

Beginning at the Northeast corner of Section 4;

Thence North 89°49' West along said Section line 258.0 feet to THE TRUE

POINT OF BEGINNING;

Thence South 2°28' West 276.0 feet;

Thence South 83°08' East 269.2 feet to the East line of Section 4;

Thence South 0°11' West along East boundary 487.0 feet to the North boundary

of the Oregon Short Line Railroad Right of Way;

Thence Northwesterly along said North boundary of said right of way 2177 feet to

the North line of Section 4;

Thence South 89°49' East along said North boundary 1655.0 feet to THE POINT

OF BEGINNING.

Sec. 4 Twp. 8 Rng. 15

NE 1/4 & SE 1/4

1/2 mile scale

