

RECEIVED

JUL 26 2005

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 25 2005	
By _____	Clerk
_____	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 SRBA

Case No. 39576

Water Right Claim: 35-13531

**ORDER CONDITIONALLY GRANTING
MOTION TO FILE LATE NOTICE OF
CLAIM**

On April 18, 2005, claimant J. Henry Olsen filed a *Motion to File Late Notice of Claim* for the above water right. Hearing was held on the *Motion* on July 19, 2005. No objections were made to the late Notice of Claim. Ms. Candice McHugh, representing the Idaho Department of Water Resources, stated at the hearing that if Mr. Olsen's claim is allowed to proceed, that he respond to any request for information in a timely manner, within 30 days. The Claim is based on an enlargement of another right, 35-2384, which was decreed to the claimant on June 28, 2004. On July 25, 2004, the Court issued an *Order Denying Motion to Amend Claim and Instructions on Re-Filing* in Subcase 35-13395. In the *Order*, the Court denied Mr. Olsen's *Motion to Amend Claim* for water right 35-13395, because the right had previously been disallowed. In the *Order* the Court instructed Mr. Olsen that if wished to proceed with the right, he would need to file a separate late claim for the right. The Court also noted from the record numerous instances of Mr. Olsen's failure to appear at scheduled dates and times, which resulted in a number of delays.

The Court finds that good cause exists for the late Claim to be granted.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above water right is **granted**.

It is FURTHER ORDERED that Mr. Olsen respond within 30 days to any request by I.D.W.R. for information regarding his claimed right. Notification to the Court by I.D.W.R. of Mr. Olsen's failure to timely respond will automatically result in the Court issuing an Order to Show Cause as to why his claim should not be dismissed with prejudice.

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 July 25, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on July 20, 2005, with sufficient first-class postage to the following:

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

J HENRY OLSEN
1005 W HWY 26
BLACKFOOT, ID 83221
Phone: 208-526-0946

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" and last name "Murphy" clearly distinguishable.

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 35-13531
Date Received: 4/15/2005
Receipt No: CO 78684
Received By: EMC *M*

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

1. Name of Claimant(s)

J HENRY OLSEN Phone: (208)526-0946
1005 W HWY 26
BLACKFOOT ID USA 83221

2. Date of Priority: 07/11/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	33E	35	NW NE SE	BINGHAM	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	0.36	63

7. Total Quantity Appropriated is:
0.36 C.F.S. and/or 63 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01S	33E	26	SE SE	IRRIGATION	18
				Section Acres	18
01S	33E	35	NE NE	IRRIGATION	39
			NW NE	IRRIGATION	40

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 18 2005

By _____ Clerk
_____ Deputy Clerk

SW	NE	IRRIGATION	40
SE	NE	IRRIGATION	39
NE	SE	IRRIGATION	39
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	39
SE	SE	IRRIGATION	39

Section Acres 315

Total Acres 333

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

This claim is based on an enlargement of 35-2384 that occurred on July 11, 1978, when the 18 acres in the SESE Sec 26 was irrigated from the well in Sec 35.

15. Basis of Claim:

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: 1

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):

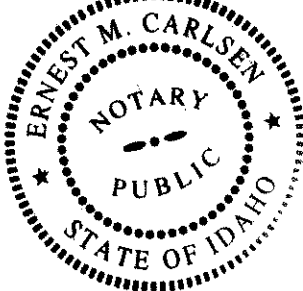
Date:

State of Idaho

) SS.

County of Bonneville

Subscribed and sworn (or affirmed) before me this 15 of April 2005



Ernest M. Carlsen

Notary Public

Residing at Idaho Falls, Idaho

My commission Expires August 21, 2009



April 28, 2003

To: Hank Olsen
1005 W. Hwy 26
Blackfoot, Idaho 83221

Re: Land Sale

Eastern Idaho Production Credit Association (EIPCA), nka Idaho Agricultural Credit Association (IACA) acquired a large tract of land West of Blackfoot in the mid-1970's. In working with the Water Resources Department, the water licenses and permits were reallocated over the approximate 10,000 acres, maintaining the integrity of the water systems on the various properties and the anticipated improvements to be made in the irrigation delivery systems. In the latter 1970's, EIPCA began selling the property to various purchasers.

A sale to Lee Ward was consummated on July 11, 1978 as evidenced by that notice of contract sale recorded at the Bingham County Courthouse on July 11, 1978 under instrument # 241220. The real property included in this sale listed the following legal description:

Township 1 south, Range 33 E.B.M., Bingham County, Idaho.

S25: SW1/4

S26: E1/2E1/2 lying South of Hwy #26, EXCEPTING Therefrom the S1/2SE1/4SE1/4.

The land in S26 (including the exception) is covered by Water Right License 35-7095 dated August 5, 1969 and includes 39 acres in the SE1/4SE1/4.

A sale to Joseph Henry Olsen III was consummated on February 28, 1983 as evidenced by that notice of contract sale recorded at the Bingham County Courthouse on March 9, 1983 under instrument #302879. The real property included in this sale listed the following legal description:

Township 1 south, Range 33 E.B.M., Bingham County, Idaho.

S35: E1/2

S26: S1/2SE1/4SE1/4

The land in S35 is covered by Water Right License 35-7092 dated August 5, 1969.

The land in S26 is covered by Water Right License 35-7095 dated August 5, 1969.

Let me know if we can be of further assistance.

Sincerely,
Idaho Agricultural Credit Association

Arnold Seeley
President & CEO

Payment Amount
Date Received
Region
Status

Payment Type
Check Number

Comment	NOTICE OF CLAIM FOR A WATER RIGHT
---------	-----------------------------------

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		41503	1155

M

Signature Line (Dept. Representative)