

RECEIVED

DISTRICT COURT-SRBA AUG 19 2005
Fifth Judicial District
County of Twin Falls - State of Idaho
DEPARTMENT OF
WATER RESOURCES
AUG 18 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

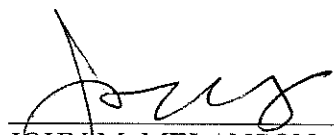
In Re SRBA	)	Subcase No. 29-13710
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
_____	)	LATE NOTICE OF CLAIM

On May 31, 2005, Claimants Charles W. and Helen P. Carpenter filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* on August 16, 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 *Motion to File a Late Notice of Claim* for the above-captioned water right is **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 August 17th, 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 August 18, 2005, with sufficient first-class postage to the following:

CHARLES W CARPENTER

HELEN P CARPENTER

Represented by:

SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13710
Date Received: 4/14/2005
Receipt No: C078919
Received By: M 8-19-05

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 19 2005
Department of Water Resources

1. Name of Claimant(s)

HELEN P CARPENTER Phone: (208) 775-3160
2163 N INKOM RD
INKOM ID USA 83245

CHARLES W CARPENTER Phone: (208) 775-3160
2163 N INKOM RD
INKOM ID USA 83245

2. Date of Priority: 04/02/1947

3. Source: JACKSON CREEK Trib. to: RAPID CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	36E	22	SW SE <i>NE CWD 4/14/05</i>	BANNOCK	

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	0.08	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	36E	22	SE SE	IRRIGATION	4

Section Acres 4
Total Acres 4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

Use of this right with right no. 29-294J is limited to the irrigation of a combined total of 4.0 acres in a single irrigation season.

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: _____

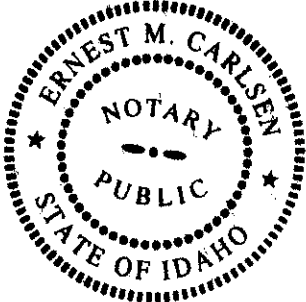
For Individuals:

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

Signature of Claimant(s): Charles W. Carpenter Date: 4-14-05
Helen P. Carpenter Date: 4-14-05

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 of April 2005



Ernest M. Carlsen

Notary Public

Residing at Alto Falls

My commission Expires 8-21-2009

Exhibit A

Summary of Included Documents

1. Affidavit of Michael J. Foltz
2. Affidavit of Kent Murdock
3. Affidavit of Norris M. Murdock
4. Sales Information provided to Carpenters when purchasing property
5. Rough sketch of Rapid Creek and Jackson Creek and related irrigation ditches servicing the Carpenters Property – The “homes” on the map merely represent the homes serviced by the irrigation ditch labeled “Ditch #2”, one of which is owned by the Carpenters -- This sketch is **not** to scale and is intended only to facilitate an understanding the statements made in the above mentioned affidavits.
6. Spreadsheet of other property owners that divert water from Rapid Creek and Jackson Creek through “Ditch #2” – Note that the Carpenters’ property is the only property on this list without a decreed right on Jackson Creek, despite the fact that all of these water rights can be traced back to a single water right owned by the Murdocks.

AFFIDAVIT OF MICHAEL J. FOLTZ

STATE OF IDAHO)
 : ss
County of Bannock)

MICHAEL J. FOLTZ, after first being duly sworn upon oath, deposes and states as follows:

1. I am a citizen of the United States, resident of Bannock County, Idaho, of legal age, and competent to be a witness.

2. In the year 1975, I purchased approximately 4 acres of real property located at 2163 N. Inkom Road, Inkom, Idaho.

3. From the time I purchased the property in 1975 until I sold it to Helen Carpenter in 2003, my neighbors on Inkom Road and I took turns flood irrigating our properties from an irrigation ditch that ran past our properties. Every year throughout the irrigation season I irrigated my property one day per week for twenty-four (24) hours. Every year since at least 1975 the water in the ditch was diverted from Jackson Creek in the spring until Jackson Creek dried up. Jackson Creek typically dried up sometime between the end of May and the middle of June, but occasionally it ran until the end of June or dried up early in May. After Jackson Creek dried up each year, the water in the ditch was diverted from Rapid Creek throughout the remainder of the irrigation season.

4. The point of diversion for the ditch on Rapid Creek was about one mile farther up the ditch than the point of diversion on Jackson Creek, and the ditch from Rapid Creek runs directly through the Jackson Creek channel. Every year it was necessary to remove debris from the ditch on the other side of Jackson Creek before the water could flow through from Rapid Creek to mine and

my neighbors' properties.

5. In the mid to late 1980's I was required to file a water right as part of the Snake River Basin Adjudication. I filed a claim on Rapid Creek but did not even think to file a claim on Jackson Creek. I did not believe it was necessary to file a claim on Jackson Creek because the ditch from Rapid Creek to my property passed through the Jackson Creek channel, and because Jackson Creek is a tributary to Rapid Creek.

FURTHER SAITH AFFIANT NAUGHT.

DATED this _____ day of May, 2005.

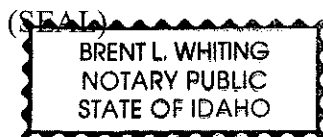

MICHAEL J. FOLTZ

SUBSCRIBED AND SWORN TO before me on this _____ day of May, 2005.


NOTARY PUBLIC FOR IDAHO

Residing at: Bonneville County

Commission expires: 11-12-2010



AFFIDAVIT OF KENT MURDOCK

STATE OF IDAHO)
 : ss
County of Bannock)

KENT MURDOCK, after first being duly sworn upon oath, deposes and states as follows:

1. I am a citizen of the United States, resident of Bannock County, Idaho, of legal age, and competent to be a witness.

2. I have resided on approximately 5 acres of real property located at 2483 N. Inkom Road, Inkom, Idaho, continuously since the year 1973. Every year since 1973, my neighbors and I have taken turns flood irrigating our properties from an irrigation ditch that runs past our properties, and I have assisted in the maintenance and management of the ditch throughout the time I have live on the property.

3. The water in the irrigation ditch has always been diverted from Jackson Creek until Jackson Creek dries up, which typically occurs sometime between the middle of June and the first of July. After Jackson Creek dries up each year, the water in the ditch is diverted from Rapid Creek throughout the remainder of the irrigation season. The point of diversion for the ditch on Rapid Creek is about one mile farther up the ditch than the point of diversion on Jackson Creek, and the ditch from Rapid Creek runs directly through the Jackson Creek channel. Every year it is necessary to remove debris from the ditch on the far side of Jackson Creek before the water can flow through to our properties from Rapid Creek.

4. I am familiar with the irrigation practices of my neighbors, including Helen Carpenter and her predecessor in interest, Michael Foltz. Beginning in the mid 1970s when Michael Foltz

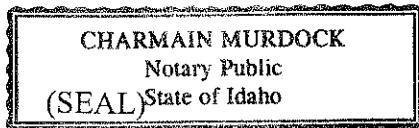
purchased his property on Inkorn Road, he irrigated his property from the irrigation ditch every year for a period of 24 hours, one day every week throughout the irrigation season.

FURTHER SAITH AFFIANT NAUGHT.

DATED this 25 day of May, 2005.

Kent Murdock
KENT MURDOCK

SUBSCRIBED AND SWORN TO before me on this 25th day of May, 2005.



Charmain Murdock
NOTARY PUBLIC FOR IDAHO
Residing at: Inkom, Id. 83245
Commission expires: September 15, 2009
MY COMMISSION EXPIRES
FORGED THRU NOTARY PUBLIC UNDERWRITERS.

RECEIVE

JUN 28 200

WATER RESOURCE
WESTERN REGION

I Norris M. Murdock purchased in the fall of 1947, this 80 acres, which is a tract of land in Section 22 township 7 South Range 36 East Boise Meridian which is currently the Murdock Subdivision. I purchased this property from Roy Cardon, who at the time was using water from Rapid Creek and tributaries, which has an old Indian Decree water right. We would divert Jackson Creek, which runs through the place to Rapid Creek until such creek would become low of water. Then we would divert water from Rapid Creek. This has been happening before I purchased the property to the present time, June 26, 2002. As far as I know, this water has been used this way since the Indian water rights was put in place.

I declare this statement to be true.

Norris M. Murdock
NORRIS M. MURDOCK

STATE OF IDAHO
County of Bannock

On the 26th day of June, in the year 2002, before me, a Notary Public in and for said State personally appeared Norris M. Murdock known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me the he executed the same.

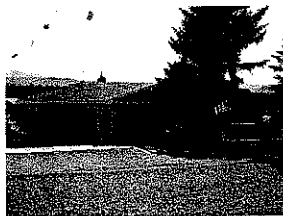
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Charmain Murdock
Notary Public

My commission expires 9-15-03

Residing at Inton, Id 83245



MLS #:
Status: ACTIVE
Type: SINGLE FAMILY
Address: 2163 N INKOM RD
City: INKOM
ZIP: 83245
Area: INKOM
Agent: BISHARD, GAIL MARIE - (208) 234-4004; RE/MAX COUNTRY R.E., INC. - (208) 234-4444

Class: RE
Price: \$209,900
For Sale

BEDROOMS: 4
FULLBATH: 3
HALFBATH: 0

STYLE: R W/B
GARAGE: 2
GAR TYPE: ATT
HEAT SRC: ELEC
HEAT TYP: BB
A/C TYPE: NONE

General

# ACRES:	5.26	MAIN-FIREPLAC:	1 PELLET
COMP-SUB AG:	0	BASEMENT-SQ FT:	1380
COMP-BUYER AG:	3	BASEMENT-BR:	1
COMP-NON AG:	3	BASEMENT-HALFBATH:	1
COMP-DL/VR:	N	BASEMENT-FR:	2
-SIGN:	Y	BASEMENT-LD:	1
-KEY BOX:	Y	BASEMENT-FIREPLAC:	1 WOOD
-TIME:	12	AG SQFT:	1380
-BYR EXCL:	N	BG.SQFT.:	1380
BOOK MSG:	GREAT HORSE PROP	TTL SQFT:	2760
LST DATE:	08/02/2003	YEAR BLT:	1976
EXP DATE:	02/28/2004	EXTR FIN:	METAL
OWNER:	MICHAEL & BETTE FOLTZ	EXT ACC:	ROCK
-OCCUPANT:	FOLTZ	-LOT SIZE:	239.2 X 100
-OCC-PHON:	775-3466	LEGAL:	LOT 6, BLOCK 1,
-HER WORK:	234-3059 <i>Fax</i>	SUBDIVSN:	MURDOCK
MAIN-SQ FT:	1380	DIRECTNS:	INKOM EXIT TO MAIN ST
MAIN-BR:	3	DIRECTNS:	MAIN ST TO INKOM RD
MAIN-FULLBATH:	2	PROP EXC:	FRIDGE, PERSONAL PROPERTY
MAIN-LR:	1	ORIG \$:	\$209,900
MAIN-KIT:	1	DOM:	45

Features

* HOW TO SHOW NOTICE TO SHOW CALL DAY BEFORE	* INT AMENITIES cont. BLINDS GARAGE OPENER	* PATIO/DECK THREE+ COVERED PATIO OPEN DECK COVERED DECK	* IRRIGATION FLOOD SYSTEM
* CONSTRUCTION EXISTING	* TERMS CASH	* LANDSCAPING FENCE-WOOD FENCE-PART ENCL	* POSSESSION AT CLOSING
* FIXER UPPER NO	CONVENTIONAL FHA VA	MATURE TREES GARDEN AREA	* UTILITIES ON POWER PHONE WATER
* BASEMENT FULL FULLY FINISHED WALK-OUT EGRESS WINDOWS EXT ENTRANCE	* APPLIANCES INCL ELEC RANGE/OVEN RNG HOOD VENTED DISHWASHER	* VIEW/SETTING MOUNTAIN VIEW SPECTACULAR WOODED SECLUDED RURAL PRIVATE BACKYRD	* TV SOURCE MINI DISH
* PRIMARY ROOF 3 TAB	* LAUNDRY BASEMENT	* LOCATED NEAR STREAM/RIVER	* DOC'S ON FILE COVENANTS/RESTR POWER BILLS PLAT MAP
* OTHER ROOMS GAME ROOM PANTRY SEPARATE STORAG FORMAL DINING MN LVL/MSR BDRM	* SYSTEMS WTR HEATER-ELEC IDAHO POWER 220 VOLT PLUGIN BREAKER	* ZONING-CITY RESIDENTIAL	* ANIMALS PERMITD HORSES LIVESTOCK SMALL DOGS ALL DOGS CATS
* INT AMENITIES NW FLR CVR PART HARDWOOD FLOORS LAMINATE FLOORS MASTER BATH CEILING FAN DRAPES	* FIREPLACE TWO - PELLET STOVE - WOOD STOVE * EXT AMENITIES - RV PARKING AREA RV PAD EXTERIOR SHOP OUT BUILDINGS	* ZONING-COUNTY RES RURAL * DOMESTIC WATER WELL-PRIVATE * SEWER TYPE SEPTIC-PRIVATE	

Financial

ASSUMABL:	NO	CONT TYP:	ERS
TAXES:	1107.00	FAX BACK:	NO
TAX YEAR:	2002	INTERNET:	Y
HO EXEMP:	Y	FINTERMS:	CASH, CONV, VA, FHA
ELECTRIC:	135.83		

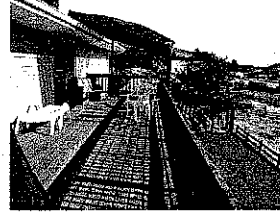
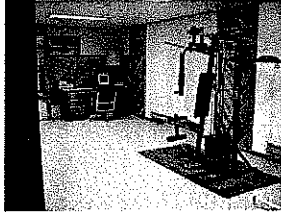
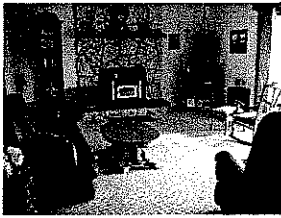
Remarks

WANT ACREAGE? THIS HOMES GOT IT! WITH 5.26 ACRES, ALL FENCED! THIS RANCH WITH BASEMENT HOME HAS 4 BEDROOMS, 3 BATHS, NEWER STEEL SIDING, LARGE LIVING ROOM WITH PELLET STOVE, SLIDING GLASS DOORS TO THE OPEN DECK WITH

Nice

A AMAZING VIEW, MASTER BEDROOM WITH MASTER BATH, NICE AND BRIGHT OPEN KITCHEN WITH 3 LAZY SUSAN'S, LOTS OF CABINETS AND COUNTER SPACE, HUGE REC ROOM IN BASEMENT GREAT FOR A OFFICE OR EXERCISE ROOM, FAMILY ROOM WITH WOOD STOVE, SLIDING GLASS DOORS TO THE COVERED PATIO, LARGE LAUNDRY ROOM WITH PANTRY AND EXTRA STORAGE, 2 CAR ATTACHED GARAGE PLUS A LARGE SHOP/BARN. SELLERS GET WATER 1 DAY A WEEK FOR 24 HOURS. PLEASE CALL THE BISHARD TEAM FOR ADDITIONAL INFORMATION.

Additional Pics



Bannock County - Full Detail

Parcel No: RRMSD000900
 Property Address: 2163 N INKOM
 Mailing Address 2:
 Mailing Address 4:
 Mailing State: ID
 Approx Levy %: 1.196157

Owner Name: FOLTZ, MICHAEL J
 Mailing Address 1: 2163 N INKOM RD
 Mailing Address 3:
 Mailing City: INKOM
 Mailing Zip: 83245-1748

Legal

Legal A
 S22-T7S-R36E
 BLOCK 1

Legal B
 N100' OF E239.2' LOT 6
 MURDOCK SUB

Taxes

Year 1	Tax Amt 1	Year 2	Tax Amt 2	Year 3	Tax Amt 3	Year 4	Tax Amt 4
2002	\$1,107	2001	\$1,143.30	2000	\$789.40	1999	\$818.40

Category Description	Value	Exempt	Hard	Net Value
RUR RES SUB	\$4,560	\$0	\$0	\$4,560
IMP ON CAT 15	\$128,700	\$50,000	\$0	\$78,700
Totals:	\$133,260	\$50,000		\$83,260

Residential

Own Occup	Floor Style	Use Unit	Class	Year Built	Effective Age
OWNER OCCUPIED	ONE FLOOR + BASEMENT		4	1976	24
Percent Complete	Residential Value	Garage Value	Carport Value	OI Value	
100	\$103,550	\$13,330	\$0	\$3,820	

Floor	Sqft	Living	Kitchen	Dining	Family	Bed	Bath	Other	Fire
Attic									
Floor 2									
Floor 1	1380	1.0	1.0			3.0	2.0		1.0
Basement	1380				2.0	1.0	0.5	1.0	1.0

Garage Type	Garage Area	Garage Dimension
G	616	22 x 28

Qty 1	Detail Description 1	Qty 2	Detail Description 2
0	FOUNDATION--CONCRETE	0	EXTERIOR WALLS--DOUBLE WALL
0	EXTERIOR WALLS--WOOD	0	WINDOWS--METAL
0	WINDOWS--GLAZING-2	0	ROOF--HIP
1380	ROOF--COMPOSITION	1380	INTERIOR--WOOD GROUND FLOOR
0	INTERIOR--DRYWALL FINISH	0	INTERIOR--STANDARD CEILING
0	INTERIOR--HARD WOOD CABINETS	0	INTERIOR--220V ELECTRICAL
0	INTERIOR--110V ELECTRICAL	1	APPLIANCES--DISHWASHER
1	APPLIANCES--SELF EXH. RANGE/GRILL	3	PLUMBING--LAVATORIES
3	PLUMBING--TOILET	1	PLUMBING--KITCHEN SINK
1	PLUMBING--STANDARD WATER HEATER	1	PLUMBING--TUB W/SHOWER-PLASTIC
1	PLUMBING--FIBERGLASS SHOWER STALL	0	HEAT. & COOL.--ELECTRIC FUEL
966	HEAT. & COOL.--ELECTRIC BASEBOARDS	1380	HEAT. & COOL.--ELECTRIC CABLE
1	HEAT. ACCESS.--DOUBLE FIREPLACE	0	

Other Description
 STORAGE DRIVE SLAB DECK

Other Info

Bannock County - Full Detail

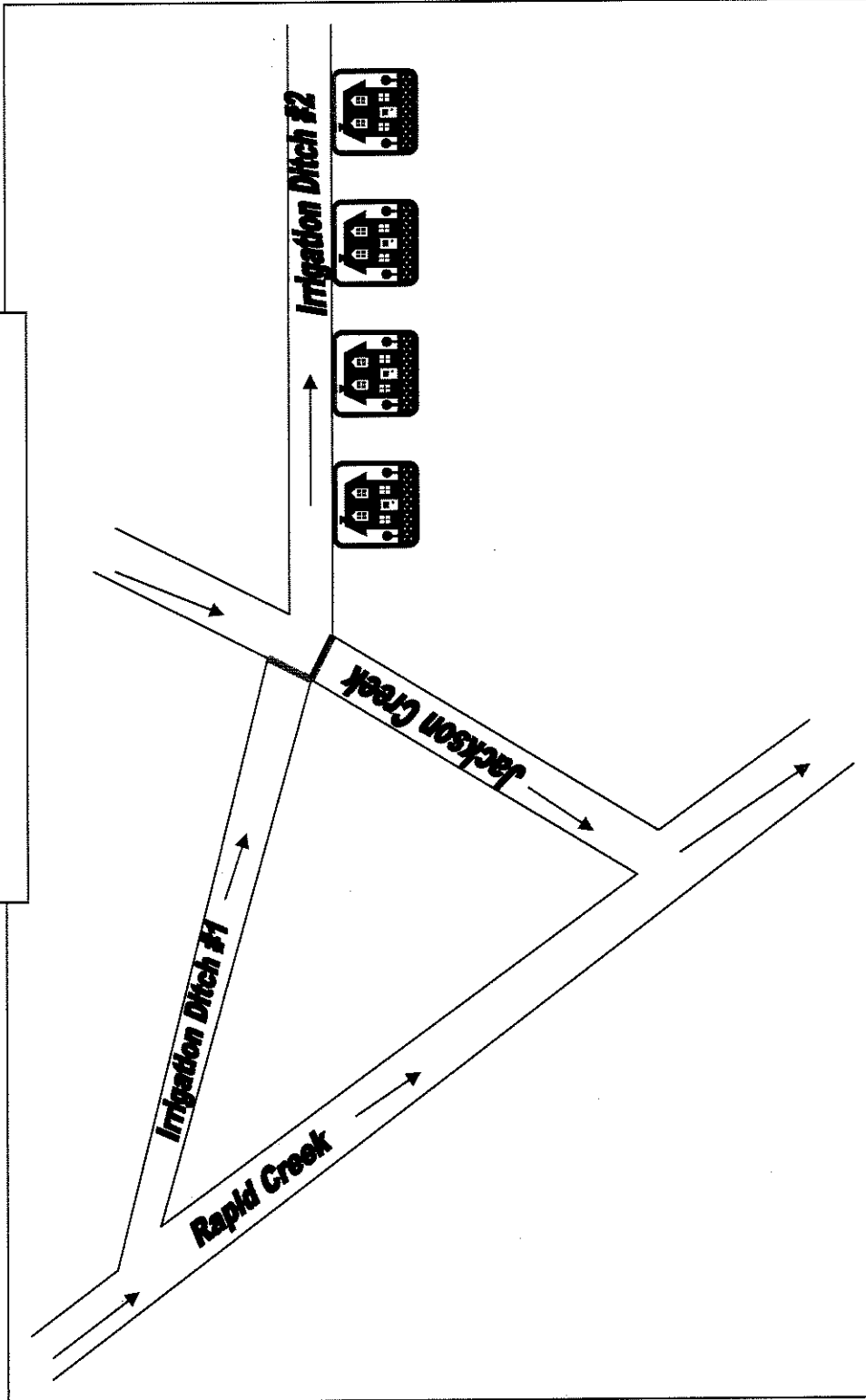
Description	Dimension 1	Dimension 2	Area	Rate	Base	LCM	Quality
SEPTIC SYS	0	0	0	0	\$3,500	100	100

Market Adjustment	Calculated Value	Cat No
\$100	\$3,500	IM

Description	Dimension 1	Dimension 2	Area	Rate	Base	LCM	Quality
WELL	0	0	0	0	\$4,500	100	100

Market Adjustment	Calculated Value	Cat No
\$100	\$4,500	IM

**HELEN CARPENTER
FILE NO. 32161**



NAME	ACRES	RAPID CREEK		JACKSON CREEK	
		WATER RT	CFS	WATER RT	CFS
Morris Murdock	5.00	29-294A	0.300	29-13385 29-10024	0.1 .48
Dennis A. Turman	1.80	29-294C	0.020	29-13382	0.050
Max D. Shaffer	5.00	29-294E	0.100	29-13533	0.100
Ben Chavers	1.30	29-294F	0.017	29-13384	0.040
Arnold I. Davis	2.00	29-294G	0.020	29-13379	0.060
Delbert V. Owens	2.00	29-294H	0.020	29-13362	0.050
Charles & Helen Carpenter	4.00	29-294J	0.040		
Ronald D. Wagner	2.00	29-10071	0.020	29-13380	0.060
Monte Lish	0.6	29-13373	0.012	29-13378	0.012
	3.7	29-13372	.074	29-13377	.074

Idaho Department of Water Resources Receipt

Receipt ID C078919

Payment Amount \$104.00 Date Received 8/19/2005 12:49:41 PM Region State Status
 Payment Type Check Check Number 36682

Payer RACIN, OLSON, NYE, BUDGE & BAILEY, CHARTEI
 Comment NOTICE OF CLAIM TO A WATER RIGHT

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$104.00	ADJUDICATION FILING FEE	0337	41503	1155	


 Signature Line (Dept. Representative)