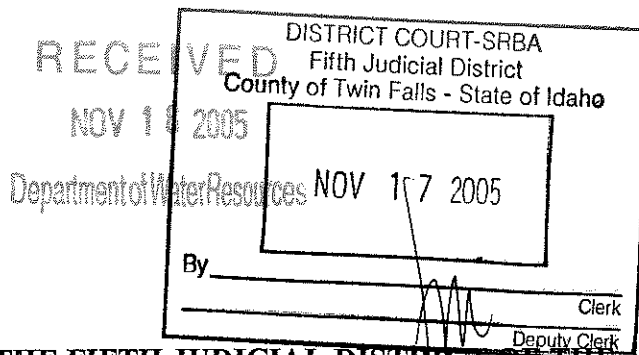




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

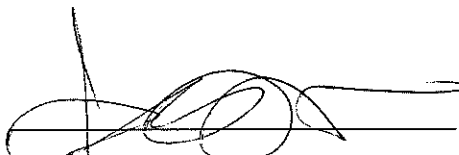
)
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)

) For Water Right Claim: 72-04059
)

On August 31, 2005, Claimant State of Idaho, Idaho Transportation Department, by and through counsel Steven J. Schuster, filed a *Motion to File Late Notice of Claim* for the above water right. On November 15, 2005, a hearing was held on the *Motion*, and Mr. Schuster appeared. No other parties appeared to oppose the *Motion*. Mr. Nick Spencer of the Idaho Department of Water Resources appeared, and stated that the amount claimed appeared to be more than necessary for the claim. Following the hearing, Mr. Spencer contacted the Court and confirmed that the claim was for a small domestic right and the Department of Transportation had overpaid its filing fee by \$25.

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. I.D.W.R. shall refund any fees that were overpaid.

Dated: November 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 November 17, 2005, with sufficient first-class postage to the following:

IDAHO TRANSPORTATION DEPT

Represented by:
STEVEN J. SCHUSTER
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-332-3542

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

ORDER

Page 1 11/17/05

FILE COPY FOR 00567

Deputy Clerk

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 A72-04059

Date Received

Receipt Number

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

AUG 31 2005

By

Clerk

Deputy Clerk

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) State of Idaho
Idaho Transportation Department Phone (208) 334-8000

Mailing Address P.O. Box 7129, Boise Idaho Zip 83707-1129

2. Date of Priority (Only one (1) per claim) 09/01/1940

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 15N Range 20E Section 18,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, 3 B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Pitcher pump in a 90' deep well. Depth of
casing 35' located 151 feet from the Salmon River and 100 feet from sealed vault toilets.
Well has water tight seal at top of casing. The height of casing is 1'8".

14. Remarks:

(X) or None

No X Yes

Custer County

Total number of acres irrigated

[illegible]

10. Description of place of use:
a. If water is for irrigation, indicate acreage in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic, used by public at Watts Bridge Rest Area

8. Total consumptive use claimed is _____ acre feet per annum.

7. Total quantity claimed (a) 0.050 CFS (cfs) and/or (b) _____ (acre feet)

For Domestic	purposes from	1/1	to	12/31	amount	0.05	or
For	purposes from		to		amount		or
For	purposes from		to		amount		or
For	purposes from		to		amount		or

6. Water is claimed for the following purposes:

Scale: 2 inches equals 1 mile

T15N R20E

P.O.D.
P.O.U.

18	17	16
19	20	
21	22	
23	24	
25	26	
27	28	
29	30	
31	32	
33	34	
35	36	
37	38	
39	40	
41	42	
43	44	
45	46	

P.O.D.

Last Name _____ State/ITD _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice 1/28/80 License _____ Permit _____

If applicable provide IDWR Water Right Number _____ Decree _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ☒ X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____ (1) One.
For individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) _____

Date _____
Date _____
For Organizations: I do solemnly swear or affirm that I am _____
Title _____
of Idaho TRANSPORTATION DEPARTMENT, that I have signed the foregoing _____
Organization _____ Title _____

document in the space below as _____
District 6, District Eng. of Dist. 6, Idaho Transportation Dept
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____
District 6, District Engineer Date 8/18/05
Idaho Transportation Department

State of Idaho/or _____
County of _____
SS. _____

Subscribed and sworn (or affirmed) before me this _____



17. Notice of Appearance
Notice is hereby given that _____
Steven J. Schuster
will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

My Commission Expires _____
Residing at _____
Notary Public _____
State of Idaho
day of _____
18th August 2005

Signature _____
Address _____
P.O. Box 7129, Boise, Idaho 83707-1129

Date _____
August 29, 2005

Last Name _____ State/ITD _____ Ident. Number _____

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Box 97, Rigby, Idaho
(Mailing Address)

(Name of Claimant)

83442

Telephone No. 745-7781

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) September 1, 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

- 13) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mo., Day) (Mo., Day)

Quantity 05 cfs

Use Commercial

Period of Use From 1-1 To 12-31

Quantity _____
Quantity _____

Use

Period of Use From _____ To _____
Period of Use From _____ To _____Quantity _____
Quantity _____

Use

Period of Use From To
Period of Use From To

Quantity 05.06

Use _____

Period of Use From _____ To _____

- (4) .05 cfs

$$g(x), AFA\}$$

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE % NW % Sec. 18 Twp. 15 N., Rge. 20 E., B.M., County of Unst.
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and tunnel, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Pitcher pump in a 90' deep well. Depth of casing is 35'.

- (5) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

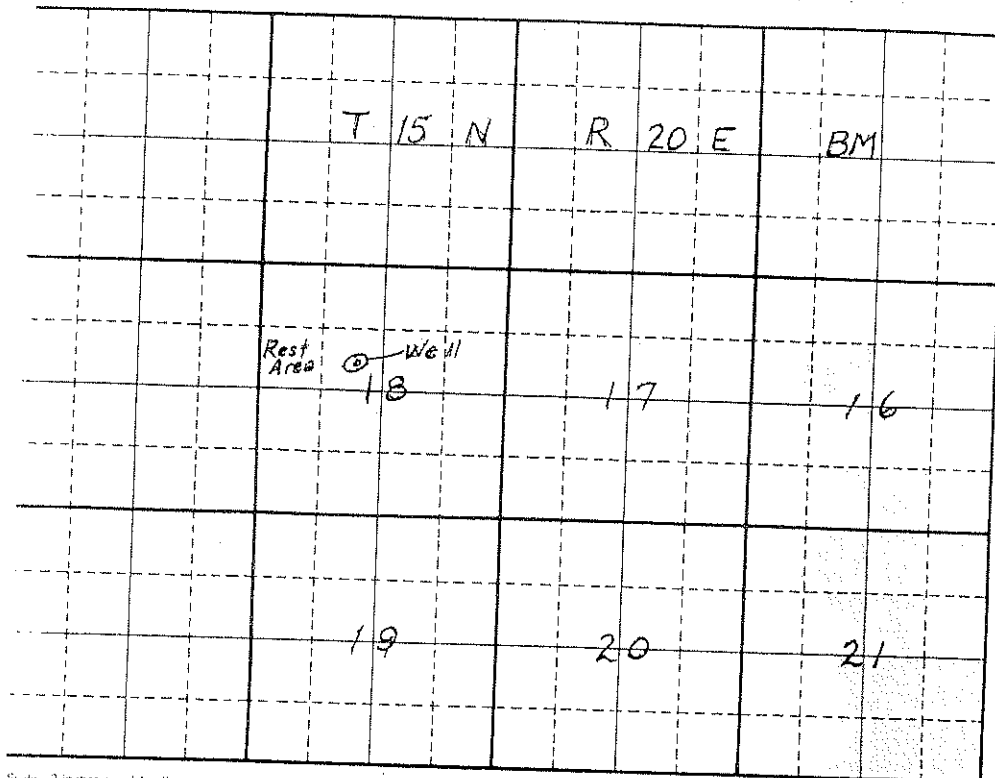
[illegible]

No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
The water is used by the public at the Watts Bridge Rest Area. This R.A. is
next to U.S. 93 at the Salmon River crossing north of Challis.

NOTE: Include here the type and number of stock watered:
If you are not a herder, please check the box below.

- (7) If you are claiming water as a member of an organization, list name of organization:



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Jefferson) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 28 day of January, 1980
B. J. Felt (Claimant)
Notary Public
Residing at Idaho Falls

My commission expires 7-25-81

FOR DEPARTMENT USE ONLY

Received by ADM Date 2/28/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 5/11/80 claimant by: _____
\$20.00 fee received by ADM Date 2/28/80 # 13850 2/3/80
Published in: Boise Evening Star
Dates 2/28/80

in the year of our Lord one thousand nine hundred and *Thirty Six*, between
Emil Kleupher and George Santee, Bachelors
of Challis, County of Custer, State of Idaho,
the parties of the first part, and

STATE OF IDAHO
~~xx~~ ~~County of~~ ~~xx~~
the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Hundred Sixty-two and 50/100 (\$162.50) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in County of Custer, State of Idaho, to-wit:

An irregular strip of land lying situate on the northerly side of the center line of the highway as surveyed and shown on the official plat of the Sawtooth Park (F. A. P. 56-E) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, and lying in Lot Three (3), of Section Eighteen (18), Township Fifteen (15) North, Range Twenty (20) East, Boise Meridian, more particularly described as follows, to-wit:

Beginning at a point in the northerly right of way boundary of said highway, which point bears North 10° 08' West 40 feet from Highway Station 572/82.1, which station is approximately 40 feet north and 1410 feet East from the West Quarter corner of Section Eighteen (18), Township Fifteen (15) North, Range Twenty (20) East; thence North 79° 49' East, along said northerly right of way boundary of said highway for 360.15 feet; thence North 14° 29' West for 210.18 feet; thence North 17° 44' East for 198.19 feet, thence North 35° 59' East for 119.10 feet; thence North 5° 15' East for 175.18 feet; thence North 84° 42' West for 267.99 feet; thence South 3° 26' East for 334.68 feet; thence South 11° 05' West for 77.93 feet; thence South 28° 40' West for 388.65 feet to the point of beginning, containing 3.513 acres more or less, said location being shown on the attached print which is made a part hereof,

*3K 23 added
Page 312
Entry # - 43959*

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Emil Klepper [Seal]
George Senter [Seal]
[Seal]
[Seal]

STATE OF IDAHO, } ss.
County of Custer

On this 17th day of September in the year 1936 before me

Emmett Donahue, Clerk of the District Court a Notary Public

in and for said State, personally appeared Emil Klepper and George Senter

known to me to be the person whose name are subscribed to the within 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.

Emmett Donahue, C. P. Recorder
Notary Public for the State of Idaho,
Residing at Challis, Idaho.
By J. L. Boyd, Spt.

No. _____

WARRANTY DEED

-TO-

Dated _____, 19____

STATE OF IDAHO, } ss.
County of _____

I hereby certify that this instrument was filed for record at request of _____

at _____ minutes past _____ o'clock _____ M., this _____ day of _____ A. D. 19____

In my office, and duly recorded in Book _____ of _____ at page _____

Ex-Officio Recorder.

By _____ Deputy.

Fees: _____

Mall to _____

Check _____

63-A

