

RECEIVED

JAN 09 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 6 2006	
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

)
)
) **ORDER GRANTING MOTION TO FILE**

) **AMENDED NOTICE OF CLAIM**

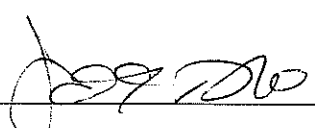
)
) **For Water Right Claim: 45-13968**
)

On July 11, 2005, Claimant Cindy Qualls Kelley filed a *Motion to File Late Notice of Claim* for the above water right. On October 21, 2005, the Court entered an *Order of Reference to Special Master Terrence A. Dolan* to determine whether any prejudice would result from the granting of the *Motion*, and whether the claim has merit. On November 21, 2005, the Special Master issued a *Special Master's Report and Recommendation*, recommending that the late claim be granted. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, the Court has reviewed the Special Master's Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED, that the *Motion to File Late Notice of Claim* is **granted**.

IT IS ORDERED, that the above water right claim 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.

Dated: January 5 2006.



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 January 06,
2006, with sufficient first-class postage to the following:

CINDY QUALLS-KELLEY
PO BOX 193
OAKLEY, ID 83346
Phone: 208-312-2927

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

A handwritten signature in cursive script, appearing to read "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".

ORIGINAL

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 45-13968
Date Received: 7/11/2005
Receipt No: CO00011
Received By: *AM*

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CINDY QUALLS
PO BOX 193
OAKLEY ID USA 83346

Phone: (208) 862-9274

2. Date of Priority: 03/01/1875

3. Source: BIRCH CREEK

Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	22E	33	SE SE SE	CASSIA	

5. Description of diverting works:

Headgate to ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	02/25	11/15	0.016	

7. Total Quantity Appropriated is:

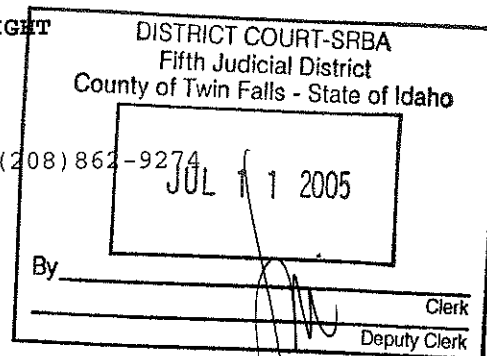
0.016 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	22E	33	SE SE	IRRIGATION	1
Section Acres					1
Total Acres					1



11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

This is a part of old water right 45-77J and represents 5/6 inch of the 1875 decree.

This temporary claim is pending acceptance by the SRBA Court.

15. Basis of Claim: Decreed

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):

Cindy Qualls Kelley Date: July 11, 2005

Date: _____

State of Idaho

County of Twin Falls) SS.

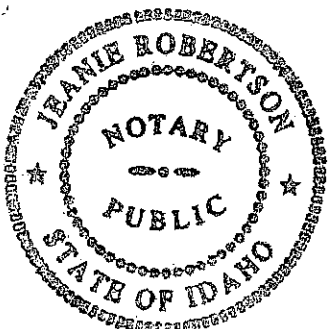
Subscribed and sworn (or affirmed) before me this 11th

of July 2005

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06



215487

WARRANTY DEED

Indexed

For Value Received

LOREEN GORRINGE, also known as LOREEN C. GORRINGE, a single woman

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

CINDY LOUISE QUALLS, a single woman

ADDRESS: 105 North Center, Oakley, Idaho 83346

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

Beginning at a point 3 rods West and 211 1/2 feet North from the Southeast corner of the East Half of the Southwest Quarter (E½SW¼) of Section 33, Township 13 South, Range 22 East, Boise Meridian, and running thence West 90 feet, thence North 25 feet, thence West 97 feet, thence North 93 1/2 feet, thence East 187 feet, thence South 118 1/2 feet to the point of beginning in Lot 6, Block 13, Oakley Townsite, as the same is platted in the official plat thereof, now of record in the office of the County Recorder of the County of Cassia, State of Idaho.

SUBJECT TO:

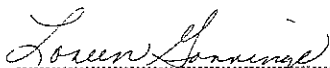
All reservations in Patents or Deeds in the chain of title.

Taxes for 1991 and subsequent years.

Any assessments levied, or to be levied, by the City of Oakley.

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: September 27, 1991

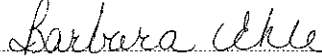


LOREEN GORRINGE aka LOREEN C. GORRINGE

STATE OF IDAHO, COUNTY OF Cassia
On this 27th day of September, 1991,
before me, a notary public in and for said State, personally appeared

LOREEN GORRINGE and
LOREEN C. GORRINGE

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.



Notary Public

Residing at Burley, Idaho.
Commission expires: 6/12/97

LAND TITLE & ESCROW

SEP 30 1 06 PM '91

CASSIA COUNTY, IDAHO

FRANK D. KIRBY

229

LAND TITLE & ESCROW

215487

BARBARA EHLE
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6/12/97