

There were no
filing fees rec'd.
by SRBA Court.

Murphy

2006 JAN 24 PM 3:36
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

Case No. 39576

) Subcase No.: 65-22967 & 65-22969
)
) ORDER GRANTING MOTIONS TO
) FILE LATE NOTICE OF CLAIMS
)
)
)

On October 26, 2005, the claimant, Jack E. Childress, through counsel, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water right claims. A hearing was held on the *Motions* on December 20, 2005. At said hearing the Court raised the question whether available water under the Payette Decree remained to satisfy the late claims. The court also inquired regarding how the Separate Streams General Provisions for Basin 65 would apply to the late claims. On January 17, 2006, the claimant filed a *Brief and Affidavit in Support* addressing the questions raised by the Court. Namely, that undecreed water still exists to satisfy the subject claims.

THEREFORE IT IS ORDERED that the *Motions to File Late Notices of Claim* for water rights 65-22967 and 65-22969 are **granted**.

The original *Notices of Claim* as well as 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 January 19, 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
MOTIONS TO FILE LATE NOTICE OF CLAIMS was mailed on January
24, 2006, with sufficient first-class postage to the following:

JACK E CHILDRESS

Represented by:

SCOTT L. CAMPBELL

101 S CAPITOL BLVD, 10TH FLOOR

PO BOX 829

BOISE, ID 83701-0829

Phone: 208-345-2000

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in black ink, reading "Julie Murphy", is written over a horizontal line. The signature is cursive and fluid.

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 65-22967

Date Received

Receipt Number

DISTRICT COURT - 5th J.D.
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 26 2005

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

By _____ Clerk
Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) Jack E. Childress Phone (208) 634-8746

Mailing Address PO Box 609, Lake Fork Zip 83635

2. Date of Priority (Only one (1) per claim) December 12, 1903

3. Source of water supply (a) Lake Fork Creek
which is tributary to (b) Payette River, North Fork

4. a. Location of existing point of diversion is: Township 17N Range 3E Section 3,
SE 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of Valley

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.

A series of headgates in the Lake Fork Creek diverts water to the Westside Lake Fork Ditch, an earthen irrigation ditch,
which is operated and maintained by the Westside Lake Fork Ditch Company. The water travels approximately 3 miles in
the Westside Lake Fork Ditch where it is then diverted into a system of users ditches, which eventually delivers water to
the place of use identified herein.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 1.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	3E	14										20	30						50

Total number of acres irrigated 50

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X 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.
_____ or None (☒)

14. Remarks:

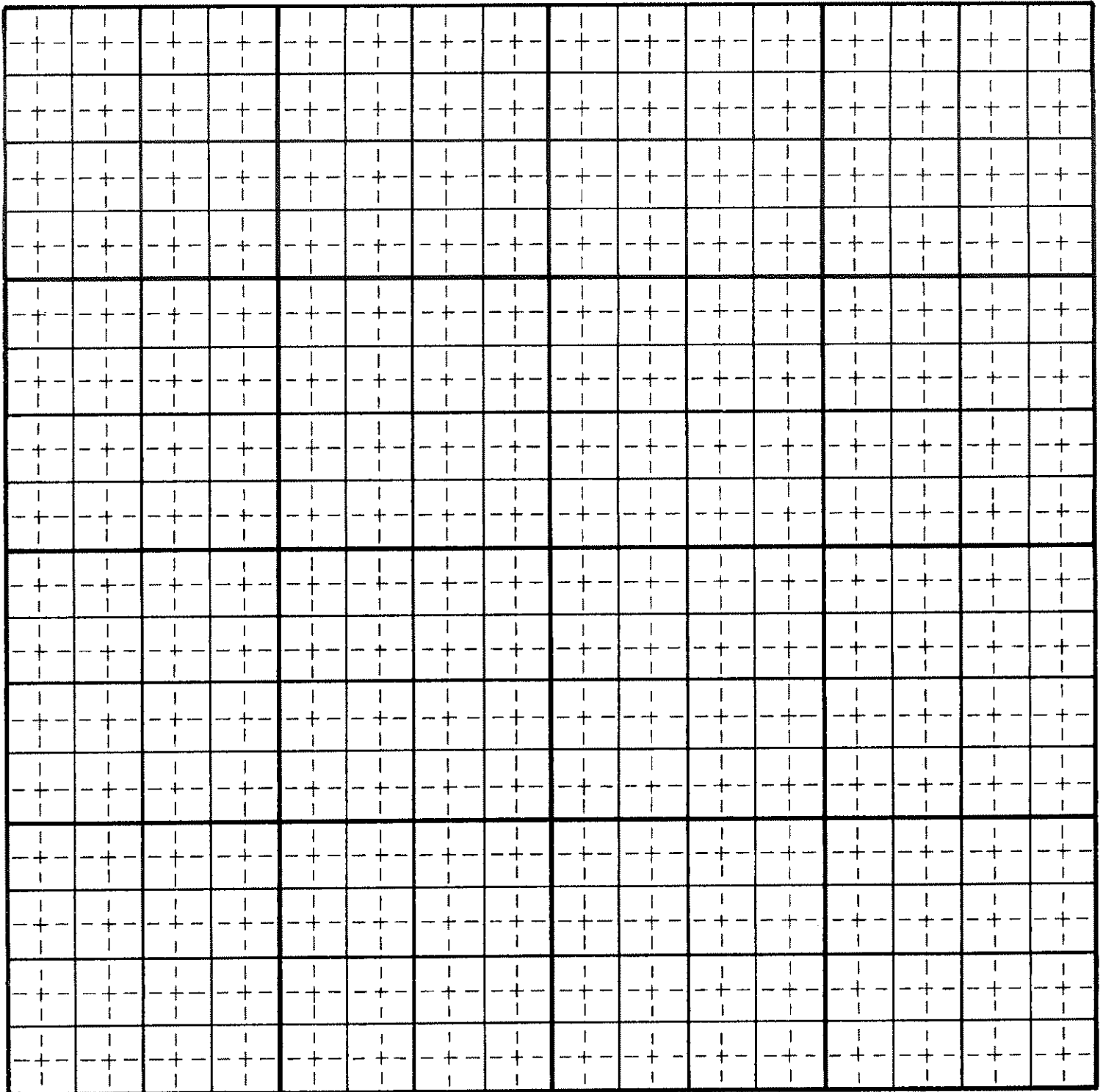
This water right is derived from the unclaimed portion of 65-3194.

Last Name Jack E. Childress Ident No. 65-22967

BOI_MT1:595896.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Please see maps attached hereto as Attachment 1



Last Name Jack E. Childress Ident No. 65-22967

BOI_MT1:595896.1

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 4/7/1986
Plaintiff vs Defendant State of Idaho v. A & C Corp., et al.

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

Signature of Claimant (s) Jack E Childress Date 10-18-05
Date _____

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

Title _____
of _____, that I have signed the foregoing
Organization

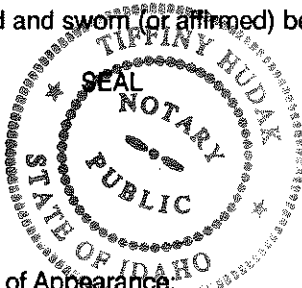
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of October, 2005



Notary Public Tiffany Hudak

Residing at Boise

My Commission Expires 9/16/09

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, Scott L. Campbell 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.

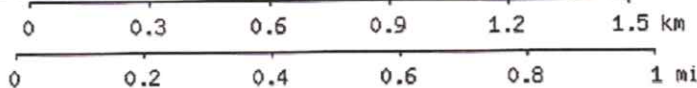
Signature Scott L Campbell

Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

Date 10/24/05

Last Name Jack E. Childress Ident. Number 65-22967

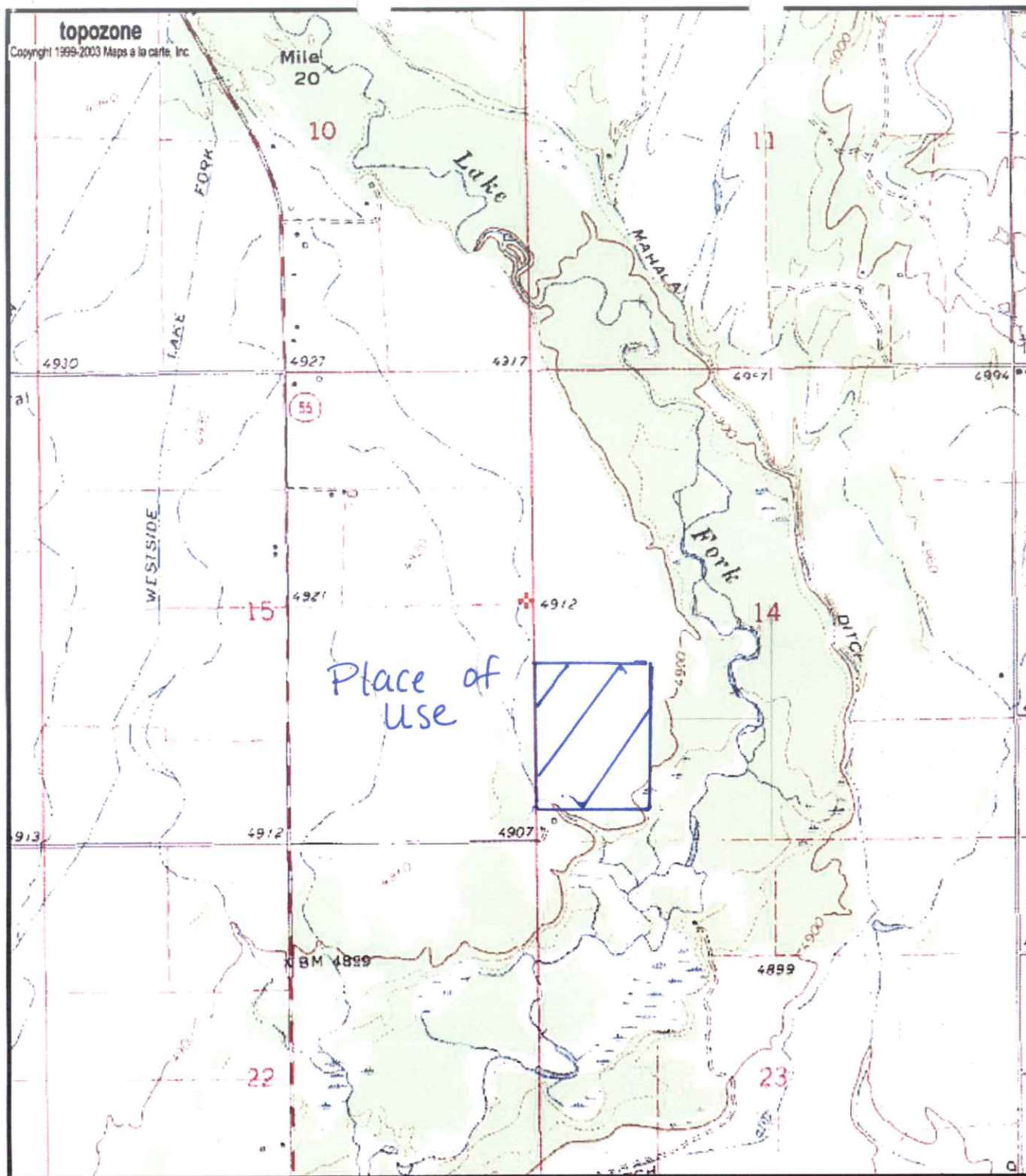
65-22947



Projection is UTM Zone 11 NAD83 Datum



M=15.728
G=0.657



Map center is UTM 11 573679E 4962393N (WGS84/NAD83)

Lake Fork quadrangle

Projection is UTM Zone 11 NAD83 Datum

M=15.722
G=0.657

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 65-22969

Date Received

Receipt Number

Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 26 2005

NOTICE OF CLAIM
TO A
WATER RIGHT

By

ACQUIRED UNDER STATE LAW

Deputy Clerk

Attorney: Scott L. Campbell
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83706
(208) 345-2000

Please type or print clearly

1. Name of Claimant (s) Jack E. Childress Phone (208) 634-8746

Mailing Address PO Box 609, Lake Fork Zip 83635

2. Date of Priority (Only one (1) per claim) December 12, 1903

3. Source of water supply (a) Lake Fork Creek
which is tributary to (b) Payette River, North Fork4. a. Location of existing point of diversion is: Township 17N Range 3E Section 3 ,
SE 1/4 of NE 1/4 of 1/4 , Govt. Lot, B.M., County of Valley

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.A series of headgates in the Lake Fork Creek diverts water to the Westside Lake Fork Ditch, an earthen irrigation ditch,
which is operated and maintained by the Westside Lake Fork Ditch Company. The water travels approximately 3 miles in
the Westside Lake Fork Ditch where it is then diverted into a system of users ditches, which eventually delivers water to
the place of use identified herein.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	3E	15													20	20	20	20	80

Total number of acres irrigated 80

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X 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.
_____ or None (☒)

14. Remarks:

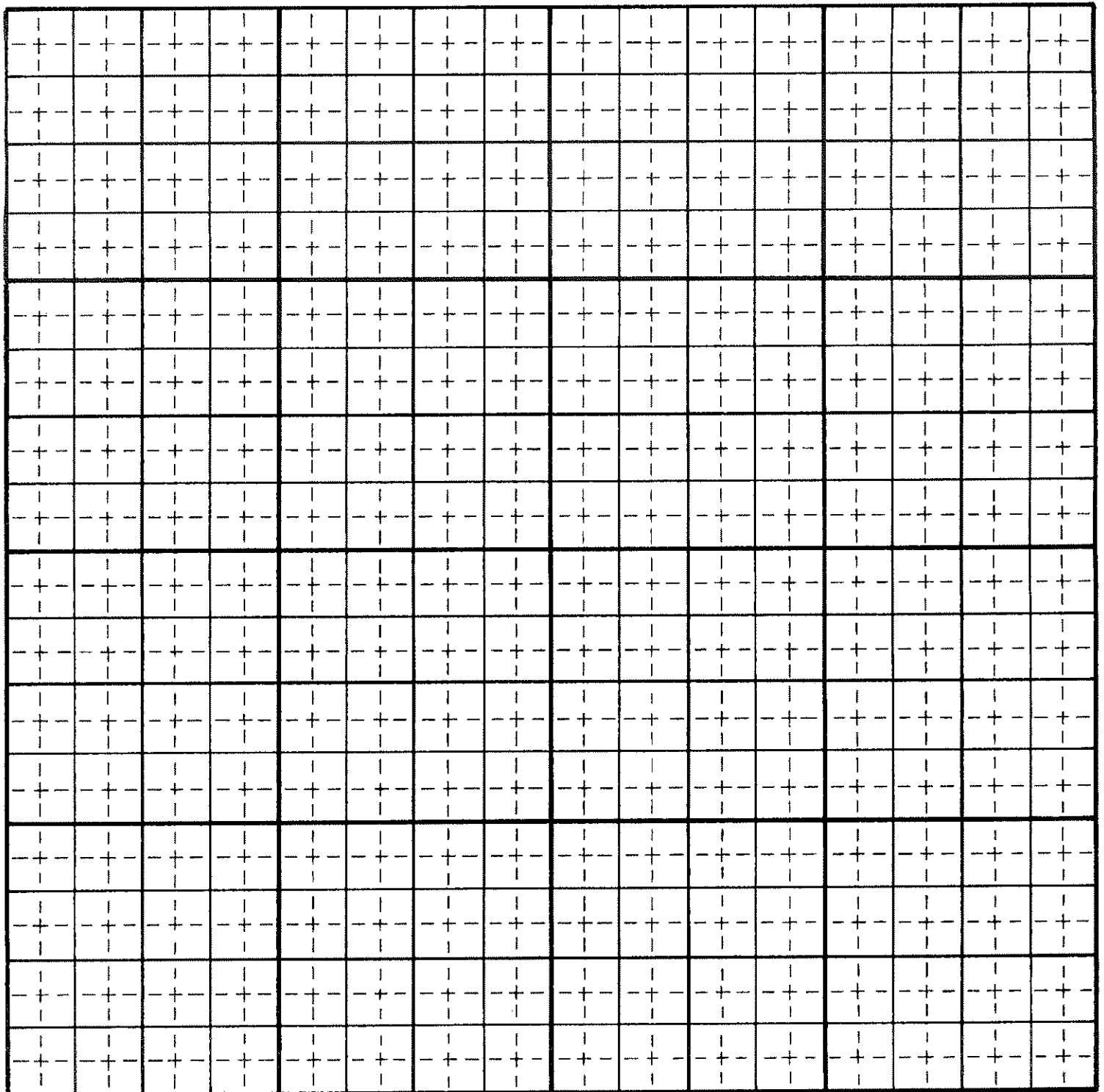
This water right is derived from the unclaimed portion of 65-3201.

Last Name Jack E. Childress Ident No. 65-22969

BOI_MT1:595896.1

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile Please see maps attached hereto as Attachment 1



Last Name Jack E. Childress Ident No. 65-22969

BOI_MT1:595896.1

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

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 4/7/1986

Plaintiff vs Defendant State of Idaho v. A & C Corp., et al.

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

Signature of Claimant (s) Jack E Childress Date 10-18-05

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day of October 2005

Notary Public Tiffany Hudak

Residing at Boise

My Commission Expires 9/16/09

Please Print Name

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Notice is hereby given that Scott L. Campbell 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.

Signature Scott L Campbell

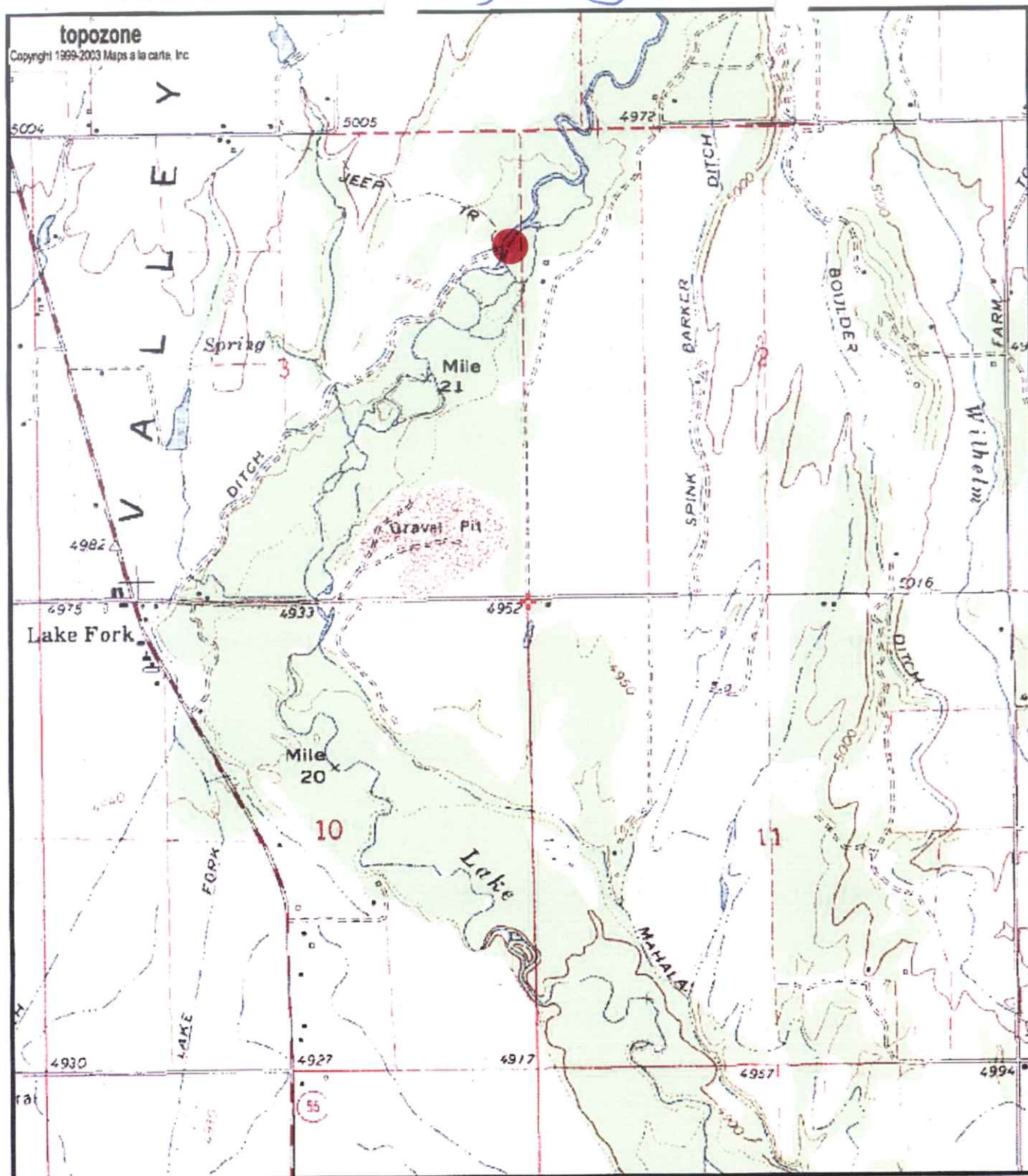
Address Moffatt Thomas, PO Box 829, Boise, Idaho 83701

Date 10/24/05

Last Name Jack E. Childress Ident. Number 65-22969

T17N R3E Valley County

65-22969



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

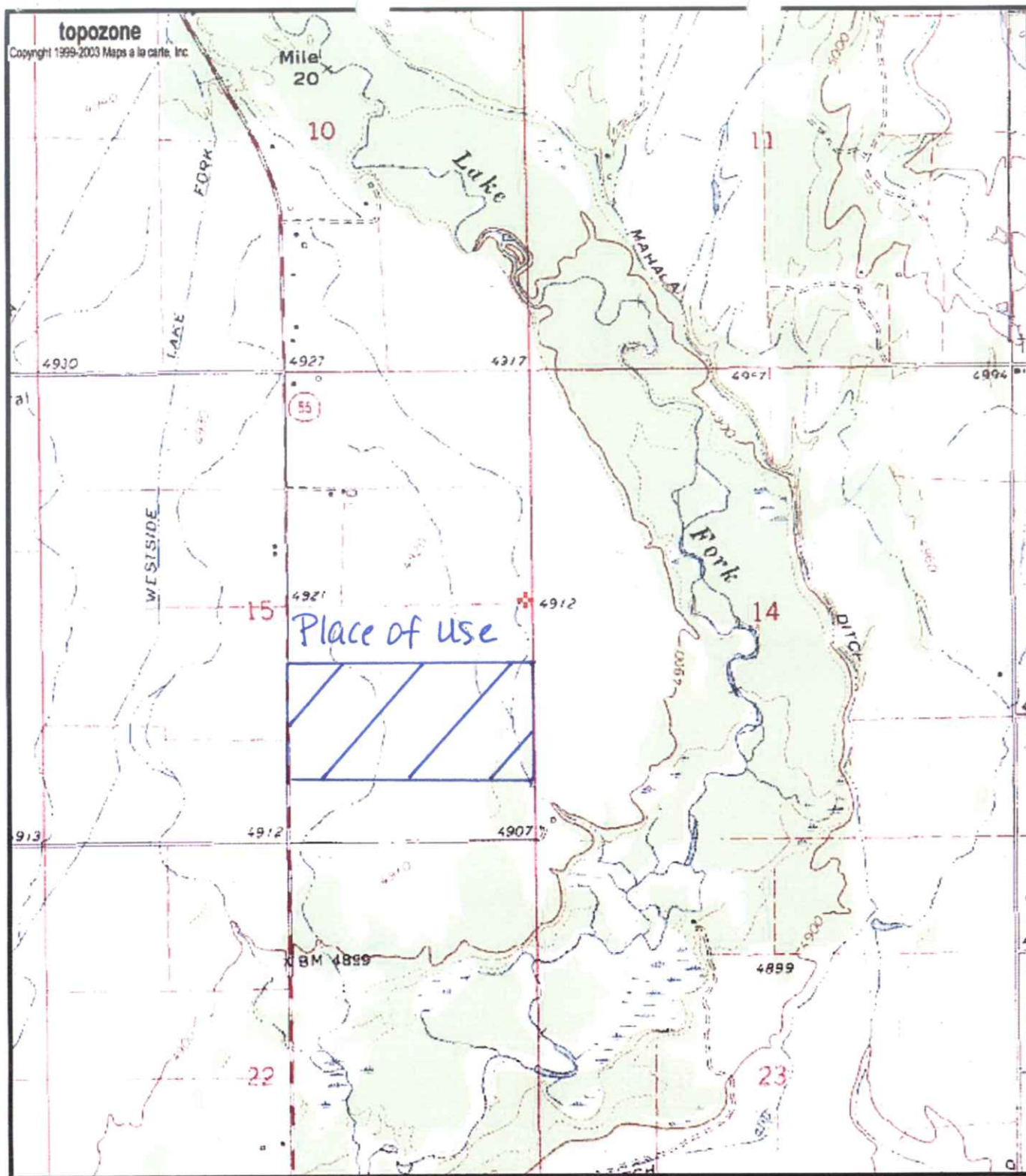
Map center is UTM 11 573667E 4964778N (WGS84/NAD83)

Lake Fork quadrangle

Projection is UTM Zone 11 NAD83 Datum



M=15.728
G=0.657



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

Map center is UTM 11 573679E 4962393N (WGS84/NAD83)

Lake Fork quadrangle

Projection is UTM Zone 11 NAD83 Datum

M
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