

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 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	)	Subcase: 65-02676B
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM WITH
	)	CONDITIONS
	)	

On May 23, 2006, Justin Reiswig filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 15, 2006. 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 water right 65-02676B is **granted**. The granting of this late claim does not permit the re-opening of the General Provisions for Basin 65, absent a stipulation from affected parties and IDWR's concurrence.

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. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated August 17, 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 WITH CONDITIONS was mailed on August 17, 2006, with sufficient first-class postage to the following:

JUSTIN REISWIG
PO BOX 141
DONNELLY, ID 83615
Phone: 208-325-3285

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

SCOTT N KING
SPF WATER ENGINEERING INC
600 E RIVER PARK LN SUITE 105
BOISE, ID 83706
Phone: 208-383-4140

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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 65-2676B
Date Received: 08-18-06
Receipt No: C081975
Received By: KAW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JUSTIN REISWIG

Phone: (208) 325-3285

PO BOX 141

DONNELLY ID 83615

2. Date of Priority: 8/31/1960

3. Source: UNNAMED STREAM

Trib. to: LAKE FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	03E	02	SW SW	VALLEY	

5. Description of diverting works:

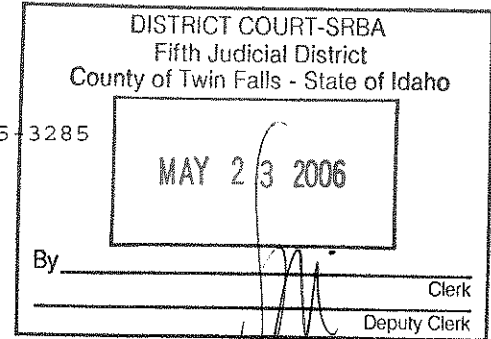
DITCH FROM STREAM TO IRRIGATED LAND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/31	0.25	

7. Total Quantity Appropriated is:
0.25 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
17N	03E	02	SW	SW	IRRIGATION	8.3
Total Acres						8.3

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

NONE

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: MAP

For Individuals:

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

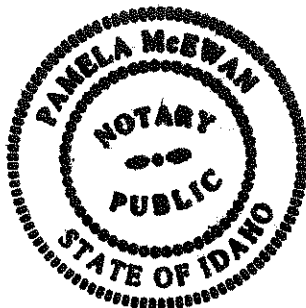
Signature of Claimant(s): [Signature] Date: 5/22/06
Date: _____

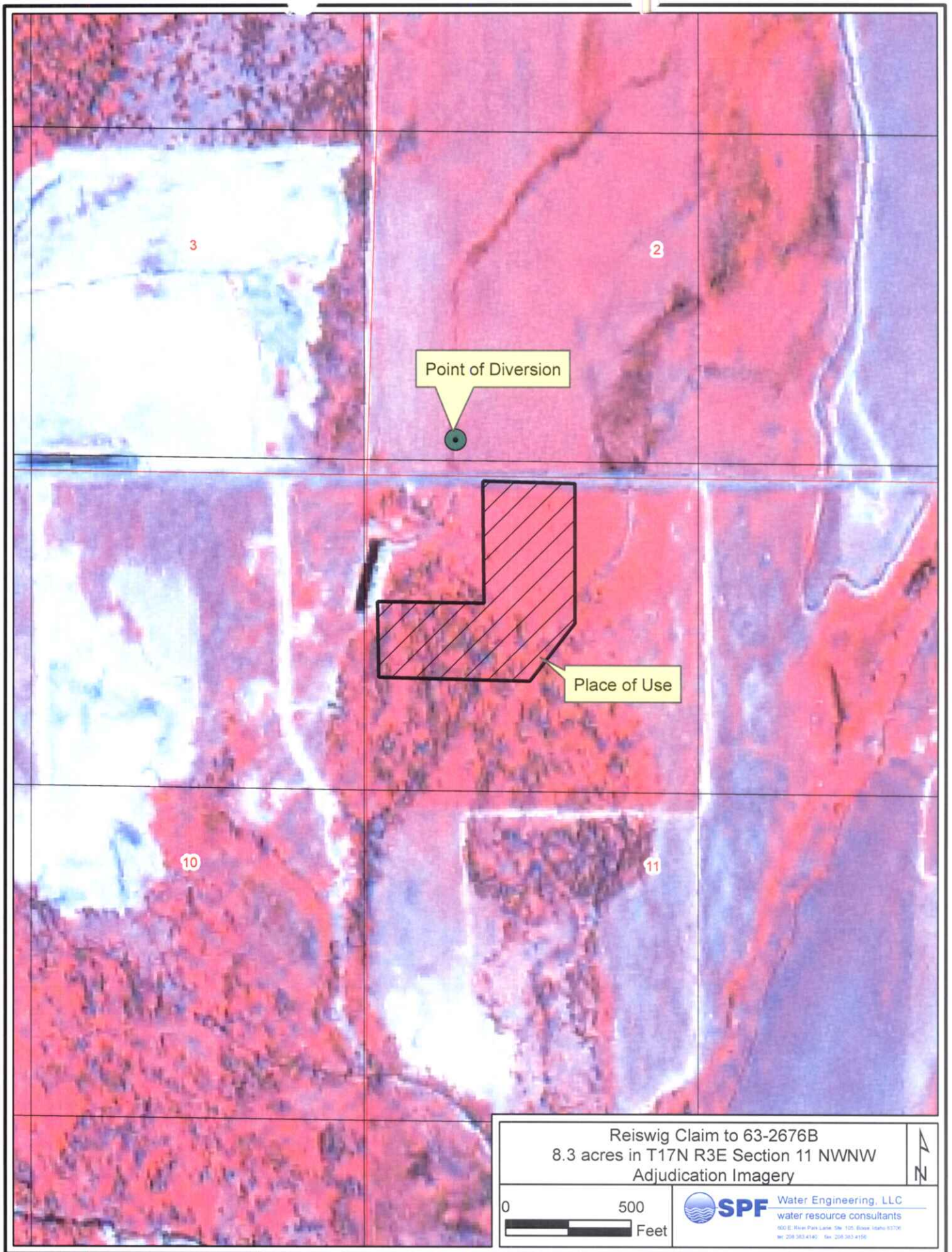
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd
of May 2006 Pamela McEwan

Notary Public

Residing at Boise, Idaho
My commission Expires 3/30/2011





ATTACHMENT C
SUPPORTING DOCUMENTS, INCLUDING:

WATER RIGHT REPORT FOR 65-2676

WALTER COURTNEY'S NOTICE OF CLAIM FILED
JANUARY 12, 1973

WATER LICENSE NO 28986

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/11/2006

WATER RIGHT NO. 65-2676

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER COURTNEY BOX 656 LAKE FORK, ID 83635

Priority Date: 08/31/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	LAKE FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.44 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	0.7 AFA
Total Diversion			1.46 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|SWSW|Sec. 02|Township 17N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
17N	03E	10		SENE	33									
		11		NWNW	15									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 48

Conditions of Approval:

1. THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2031 & 65-3167 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates:

Licensed Date:

Decreed Date: 01/21/1986

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

65-2676

Notice is hereby given that Walter Courtney

Box 656 Lake Fork Idaho 83435

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) 8-31-1960

(2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) Unnamed stream

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

Use 1.44 Irrigation Period of Use From 4-15 To 10-31

Use .02 Stock Period of Use From 4-15 To 10-31

Use 1.44 Period of Use From 4-15 To 10-31

(4) Quantity of water claimed: 1.58 Cubic Feet Per Second, or 1.44 Acre Feet Per Annum, and/or 1.44 Gals. Per Minute.

(5) A) Point of Diversion: Give location of point where water is diverted from its source SW 1/4 SW 1/4 Sec. 2 Twp. 17N Rge. 3E B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)

Give sizes and capacities; be as specific as possible. Pond collects water it is used gravity flow & also pumped from pond.

(6) 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.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
	17N	3E	10																40 3/4
	17N	3E	11																39 1/4

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Water Collected from pond then is used both by gravity flow and pump

(7) Effluent, sewage waste, or return water from this use is discharged into.

(8) If you are claiming water as a member of an organization, list name of organization. NO

(9) Remarks This right when combined with right 65-3167 shall amount to 2.25 cfs more or less than 3.45 cfs

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☐ B) Right decreed by court, cite title of case.

☒ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No. 65-2676

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual Walter Courtney

Organization Idaho

County of Ada

On this 1/12/1973 day of January, in the year 1973, before me,

a notary public, personally appeared Walter Courtney and acknowledged to me that (he, she, they,

corporation, partnership or they executed the same.

Notary Public residing at Payette

My commission expires 7/29/1975

8KN 8/29/77

LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 28986 Priority August 31, 1960 Amount 1.58 c.f.s.

THIS IS TO CERTIFY that WALTER H. & MARY K. COURTNEY

of Emma, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 31, 1960; that Permit No. 28986 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 1.58 second feet, was issued thereunder on January 17, 1968, showing that said works were completed on the 13 day of August, 1965; and that on the 13 day of August, 1965, WALTER H. & MARY K. COURTNEY

of Emma, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of an unnamed stream,

a tributary of Lake Fork River for the purpose of irrigation and stock under Use Permit No. 28986 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in ~~Volume~~ ^{Abstract} Page 28986, on the 17 day of January, 1968.

The right hereby confirmed dates from August 31, 1960.

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 2, Twp. 17 N., R. 3 E., B.M. Valley County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.58 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract		No. Acres Described in Permit	No. Acres Actually Irrigated
17 N	3 E	10	SE 1/4	NE 1/4	40	40
		11	NW 1/4	NW 1/4	40	39

Total number acres irrigated: 79

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 17 day of January, 1968.

Keith Higgins
State Reclamation Engineer