

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 21 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	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM
Case No. 39576	)	
	)	
	)	For water right claims: 74-04000, 74-04001,
	)	74-04002, 74-04008 and 74-04040

On June 29, 2006, the claimant, Walter Bruce Whitson, filed through counsel a *Motion to File Late Notice of Claim* for the above-captioned water rights. A hearing was held on the *Motion* September 19, 2006. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late *Notice of Claim*. Water right claims 74-04000, 74-04001 and 74-04002 were previously decreed in the Lemhi Adjudication. It was not determined whether claims 74-04008 and 74-04040 were previously claimed and/or decreed in the Lemhi Adjudication or if they were required to be claimed in the Lemhi Adjudication. Because claims 74-04000, 74-04001 and 74-04002 were previously decreed in the Lemhi Adjudication it is appropriate to allow the late claims for each to proceed. Because Basin 74 was recently reported the Court will also allow the late claims for 74-04008 and 74-04040 to proceed with the understanding that if the claims were subject to the Lemhi Adjudication and were not claimed as required they may be barred from being asserted in the SRBA and may ultimately be recommended disallowed.

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. 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: September 20, 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 September
21, 2006, with sufficient first-class postage to the following:

WALTER BRUCE WHITSON
PO BOX 22
LEMHI, ID 83465
Phone: 208-756-2817

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

370

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: 7404002 39576

Ident. Number

Date Received 9-26-06

Receipt Number 1082255

RECEIVED

SEP 22 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

2006 JUN 29 AM 11:06
DISTRICT COURT
FIFTH JUDICIAL DISTRICT
TWIN FALLS, IDAHO
FILED

Please type or print clearly

1. Name of Claimant (s) Walter Bruce Whitson Phone (208) 756-2817

Mailing Address PO Box 22 Lemhi, Idaho Zip 83465

2. Date of Priority (Only one (1) per claim) May 1, 1967

3. Source of water supply (a) disappearing spring - only runs a
which is tributary to (b) short distance

4. a. Location of existing point of diversion is: Township 17 N Range 23 E Section 4,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lemhi

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 Lemhi

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. Dirt 2ft long 1/2 ft high

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For sprinkler irrigation purposes from May 1 to Oct 1 amount 0.011 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (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	23E	4													6				6

Total number of acres irrigated 6

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

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: Spring rises on land owned by petitioner and
sinks without reaching any other body of water.

Last Name Whitson Ident No. _____

Copies: White State, Yellow Claimant

Scale: 2 inches equals 1 mile

A large grid of 20 columns and 20 rows, totaling 400 small squares. Each small square contains a crosshair pattern formed by a vertical line and a horizontal line intersecting at the center. The grid is divided into four quadrants by a vertical line after the 10th column and a horizontal line after the 10th row.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 74-4002
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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) Walter B. Whitson Date 6-28-06

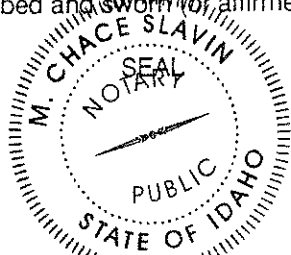
Date _____

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 Lemhi) SS.

Subscribed and sworn to (or affirmed) before me this 28th day of June 2006



Notary Public M. Chace Slavin
Residing at Salmon
My Commission Expires 11/15/11

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, M. Chace Slavin 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 M. Chace Slavin
Address 116 N. Center St. Salmon, ID 83467
Date 6/28/06

Last Name Whitson Ident. Number _____

Copies White-State, Yellow-Claimant