

RECEIVED
SEP 29 2006
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 28 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	)	Subcases: 29-13727 & 29-13728
	)	
Case No. 39576	)	ORDER GRANTING MOTIONS TO FILE
	)	LATE NOTICES OF CLAIM
	)	
	)	

On March 23, 2006, Max and Larue Whitworth and Johanna Wallace filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on June 20, 2006. No party appeared in opposition to the *Motions to File Late Notice of Claim*. However, following the hearing, the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(c) standard. On September 26, 2006, the special master issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending that the late claims be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this **Order** and will forward the late claims to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights is **granted**.

The original Notices of Claim and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. **No filing fees were received by this Court at the time of the filing of these *Motions*.** Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on annual

basis. This modifies the provisions of *SRBA Administrative Order 1* (4d(2)(h)).

IT IS SO ORDERED.

Dated Sept. 28, 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 NOTICES OF CLAIM was mailed on September
28, 2006, with sufficient first-class postage to the following:

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

JOHANNA M WALLACE
247 S INDIAN CREEK
INKOM, ID 83245
Phone: 208-775-3584

LARUE WHITWORTH
MAX T WHITWORTH
73 S INDIAN CREEK RD
INKOM, ID 83245
Phone: 208-775-3738

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 29-13727
Date Received: 11/7/2005
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHANNA M WALLACE Phone: (208)775-3584
247 S INDIAN CREEK
INKOM ID USA 83245

MAX T WHITWORTH Phone: (208)775-3738
73 S INDIAN CREEK RD
INKOM ID USA 83245

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 23 2006	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 04/01/1939

3. Source: INDIAN CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	5	NE NW 3	BANNOCK	

5. Description of diverting works:

1.5 HP PUMP TO HOSES AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

7. Total Quantity Appropriated is:
0.03 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
----------	-------	---------	----------------	-----	-------

08S 36E 5 NE NW 3 IRRIGATION 0.6
Section Acres 0.6
Total Acres 0.6

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ON DECISION FROM COURT REGARDING ACCEPTANCE OF LATE CLAIM.

15. Basis of Claim: Beneficial Use

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:

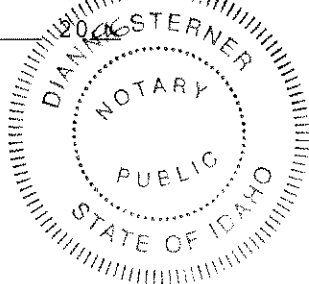
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jhanna Wallace Date: 3-22-06
_____ Date:

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 22

of march 2006



Diana Esterne

Notary Public

Residing at Idaho

My commission Expires 10-27-09

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

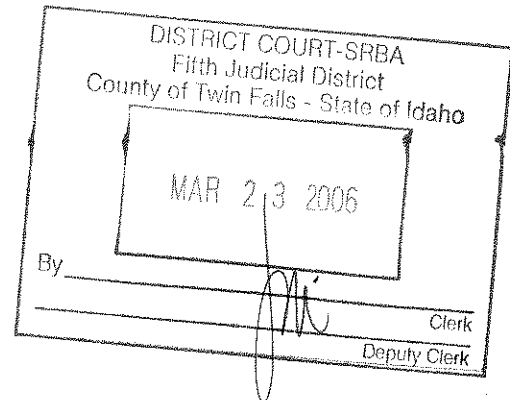
Ident. Number 29-13728
Date Received: 11/7/2005
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MAX T WHITWORTH Phone: (208)775-3738
73 S INDIAN CREEK RD
INKOM ID USA 83245

LARUE WHITWORTH Phone: (208)775-3738
73 S INDIAN CREEK RD
INKOM ID USA 83245



2. Date of Priority: 04/01/1939

3. Source: INDIAN CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	5	NW NE 2	BANNOCK	

5. Description of diverting works:

2 HP PUMP TO HOSE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.03	

7. Total Quantity Appropriated is:
0.03 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
----------	-------	---------	----------------	-----	-------

08S

36E 5

NW NE 2

IRRIGATION

0.5

Section Acres 0.5

Total Acres 0.5

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ON DECISION FROM COURT REGARDING ACCEPTANCE OF LATE CLAIM.

15. Basis of Claim: Beneficial Use

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): La Rue M Whitworth Date: 03-22-06

Date:

State of Idaho)

County of Bannock) SS.

Subscribed and sworn (on affirmed) before me this 22

of March 2006

Dianna Sterner
Notary Public

Residing at Idaho

My commission Expires 10-27-09

