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DEC 22 2006

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| DEC 20 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

For water right: 35-13553, 35-13554

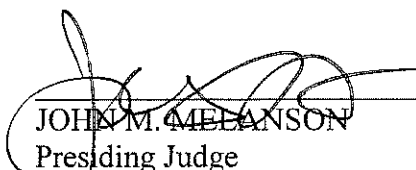
ORDER GRANTING MOTION TO FILE  
LATE NOTICES OF CLAIMS

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, 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.

Dated December 14, 2006

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE  
LATE NOTICES OF CLAIMS

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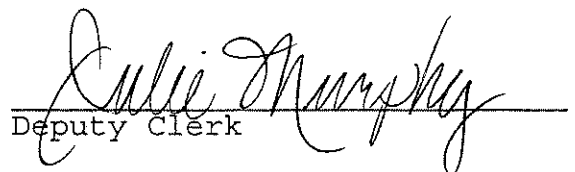
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December 20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:  
RANDALL C BUDGE  
201 E CENTER, STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

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".

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Form No. 42-1409 (2) a 1/88

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

Department of Water Resources

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

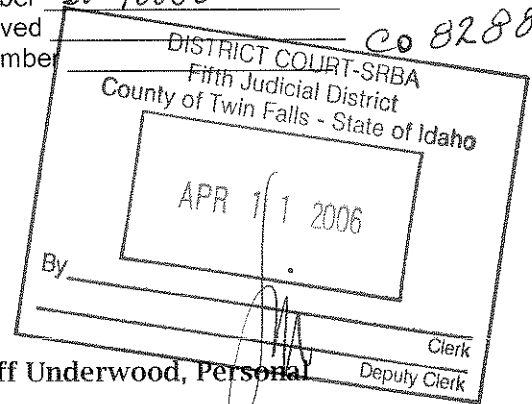
CIVIL CASE NUMBER: 39576

Ident. Number 35-13553

Date Received

Receipt Number

**NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW**



Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**

Phone **208-232-2837**

Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83204**

2. Date of Priority (only one (1) per claim) **5-15-1948**

3. Source of water supply (a) **Ground water**  
Which is tributary to (b)

4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**  
 $\frac{1}{4}$  of **SW**  $\frac{1}{4}$  of **SW**  $\frac{1}{4}$ , gov't lot B.M., County of **Bingham**  
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section ,  $\frac{1}{4}$  of  $\frac{1}{4}$  of  $\frac{1}{4}$

Gov't lot B.M., county of

Ending point is:

Township Range Section ,  $\frac{1}{4}$  of  $\frac{1}{4}$  of  $\frac{1}{4}$

Gov't 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.  
**30 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.**

6. Water is claimed for the following purposes:

For **irrigation** purposes from 4/1 to 11/1 amount **2.67** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **2.67** cfs and/or (b) **4** acre-feet per acre

8. Total consumptive use claimed is <sup>407.2</sup>~~271.8~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

**Stockwater - 50 head of beef cows and calves**

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 ¼    |         |         |         | NW ¼    |         |         |         | SW ¼    |         |           |         | SE ¼    |         |         |           | TOTALS |
|-----|-----|-----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|---------|---------|---------|---------|-----------|--------|
|     |     |     | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NE<br>¼ | SW<br>¼   | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼   |        |
| 5S  | 31E | 4   |         |         |         |         |         |         |         |         |         |         | 40.9<br>S |         |         |         | 30<br>S | 30.9<br>S | 101.8  |

Total number of acres irrigated **101.8**

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

13. Describe any other water rights used at the same place and for the same purposes as described above.

**None**

14. Remarks:

**See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.**

Last Name Underwood Ident No. 35-13553

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

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13584

Powerline Rd

2800 West

P/D = SWSW  
Sec. 4, T.5S. R.31E.

P/D = 40.90 AC NW NW  
60.90 AC S 1/2 S 1/2  
Sec. 4 T.5S R.31E

3.90

5.69

40.90

19.79

12.60

Crater Sub Rd

Unimwood Loop Rd

2700 West Rd

78.30

3.70

6.30

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 \_\_\_\_\_  
v. \_\_\_\_\_

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) Jeff Underwood Date 4/7/06  
\_\_\_\_\_  
Date \_\_\_\_\_

**For Organizations:**

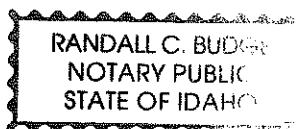
I do solemnly swear or affirm that I am \_\_\_\_\_ of \_\_\_\_\_, that I have signed the foregoing document in the space below as \_\_\_\_\_ of \_\_\_\_\_ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho )  
County of Bannock )  
SS

Subscribed and sworn (or affirmed) before me this 7<sup>th</sup> day of April 2006



Notary Public Randall C. Budger  
Residing at Pocatello, ID.  
My Commission Expires 10/11/2006

17. Notice of Appearance  
Notice is hereby given that I, Randall C. Budger 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 Randall C. Budger

Address P.O. Box 1391 Pocatello, ID 83201

Date 4/7/06

Last Name Underwood Ident No. 35-13553