

RECEIVED

JUN 26 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 22 2007	
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: 22-13684 & 22-13685

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On March 22, 2007, the Peacock Property LLC, by and through counsel, Robert L. Harris, 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 19, 2007. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

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, 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 claims 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 JUNE 22, 2007.


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 CLAIM was mailed on June 22,
2007, with sufficient first-class postage to the following:

PEACOCK PROPERTY LLC

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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 22-13684

Date Received 06-26-07

Receipt Number 008442

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 MAR 22 AM 10 50

1. Name of Claimant(s) Peacock Property, LLC Phone (307) 732-3986

Mailing Address PO Box 10586, Jackson, WY Zip 83002

2. Date of Priority (Only (1) per claim) April 1, 1894

3. Source of water supply (a) Teton Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 5N Range 46E Section 8, NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot 3,
County of TETON

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. Diversion from Teton Creek is by means of a diversion dam or headgate which diverts water into the North Side Canal in Teton County, Wyoming. Water is carried in the North Side Canal to a North Side Pipe Line Company pipeline. Water is then carried by the North Side Pipe Line Company pipeline to claimants' land for irrigation by a sprinkler irrigation system. The North Side Canal was formerly known as the Pratt Ditch or Pratt Canal. The canal varies in width from approximately 10 feet to 6 feet and depth from 2 feet to 5 feet depending upon the terrain.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/15 amount 0.6 cfs or _____

7. Total quantity claimed (a) 0.6 (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.) None

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	46E	8							30										30

Total number of acres irrigated 30

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
22-2028 or None ()

14. Remarks:

Point of diversion is T44N., R118W, S23, SESW, Teton County, Wyoming. Current name is the North Side Canal, originally the Pratt Ditch.

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number _____
Court 9th Judicial District of the State of Idaho, in and for the County of Fremont Case Number _____ Decree
Date March, 27, 1942
Plaintiff vs Defendant Federal Farms Mortgage Corp. v. Crandall

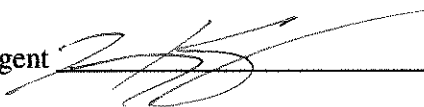
16. Signature(s)

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President of Peacock Property, LLC, that I have signed the foregoing document in the space below as President of Peacock Property, LLC and that the statements contained in the foregoing document are true and correct.

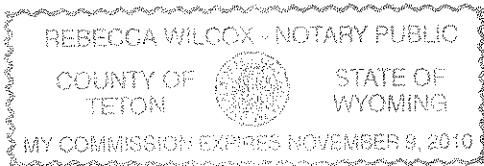
Signature of Authorized Agent 

Title and Organization President, Peacock Property, LLC Date MARCH 19, 2007

Last Name Peacock Property, LLC Ident. Number _____

State of ~~Idaho~~ Wyoming ,
) SS.
County of Teton)

Subscribed and sworn (or affirmed) before me this 19 day of March, 2007.



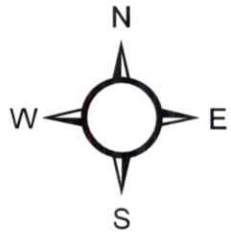
Rebecca Wilcox
Notary Public Rebecca Wilcox
Residing at Wilson, WY
My Commission Expires 11-9-10

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris 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 Robert L. Harris
Address: PO Box 50130, Idaho Falls, ID 83405-0130
Date March 21, 2007

PEACOCK PROPERTY, LLC

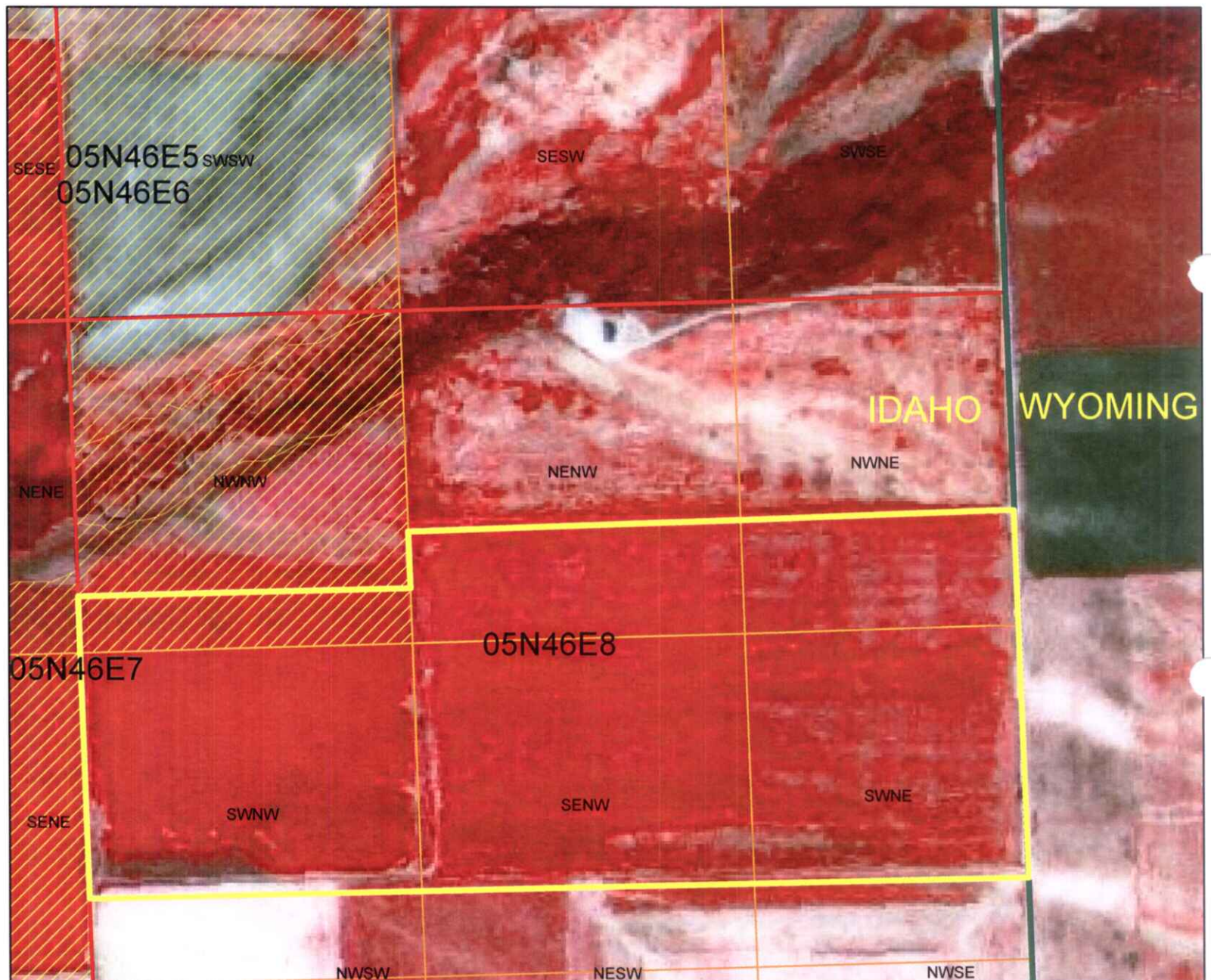


Legend

- Property_Line
- Township_Lines
- Section_Lines
- Quarter-quarters
- SRBA_POU

Prepared by:
Robert L. Harris
1997 Adjudication Photo

8



0 0.1 0.2 0.4 Miles

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 22-13685

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 MAR 22 AM 10 52

1. Name of Claimant(s) Peacock Property, LLC Phone (307) 732-3986

Mailing Address PO Box 10586, Jackson, WY Zip 83002

2. Date of Priority (Only (1) per claim) February 26, 1908

3. Source of water supply (a) Teton Creek

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:

Township 5N Range 45E Section 8, NE 1/4 of NW 1/4 of SE 1/4, Govt. Lot 3,
County of TETON

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. _____

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/15 amount 2.58 cfs or _____

7. Total quantity claimed (a) 2.58 (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.) None

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	46E	8		12	25		14	7	28	30									116

Total number of acres irrigated 116

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

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

The Claimant owns the above acres, which were originally included in the 22-2028 license.

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number 22-2028
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

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

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President of Peacock Property, LLC, that I have signed the foregoing document in the space below as President of Peacock Property, LLC and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization President, Peacock Property, LLC Date MARCH 19, 2007

Last Name Peacock Property, LLC Ident. Number _____

State of ~~Idaho~~ Wyoming ,
) SS.
County of Teton)

Subscribed and sworn (or affirmed) before me this 19 day of March, 2007.



Rebecca Wilcox
Notary Public Rebecca Wilcox
Residing at Wilson, WY
My Commission Expires 11-9-2010

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris 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 Robert L. Harris
Address PO Box 5030 Idaho Falls, ID 83405
Date 3/21/2007

PEACOCK PROPERTY, LLC

