

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
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DEPARTMENT OF
WATER RESOURCES

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: 35-13601
)
)

Case No. 39576

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)

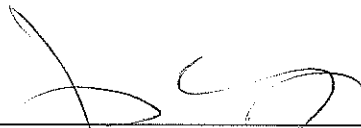
On March 22, 2007, DeLoy Z., Neal D., Shelly and Viola J. Ward, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 19, 2007. This *Motion* complied with all procedural requirements under **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 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 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 MOTION TO FILE LATE NOTICE OF CLAIM was mailed on June 22, 2007, with sufficient first-class postage to the following:

DE LOY Z WARD
NEAL D WARD
SHELLY WARD
VIOLA J WARD

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 35-13601
Date Received: 3/20/2007
Receipt No: C084429
Received By: TG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DE LOY Z WARD Phone: (208)356-5190
1305 S 2 E
REXBURG ID USA 83440

NEAL D WARD Phone: (208)356-5190
1305 S 2 E
REXBURG ID USA 83440

SHELLY WARD Phone: (208)356-5190
1305 S 2 E
REXBURG ID USA 83440

VIOLA J WARD Phone: (208)356-5190
1305 S 2 E
REXBURG ID USA 83440

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2007 MAR 22 AM 10 56

2. Date of Priority: 04/01/1984

3. Source: GROUND WATER , GROUND WATER , GROUND WATER Trib. to: , ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01S	34E	26	NE SW NW	BINGHAM	
01S	34E	35	SW SW NE	BINGHAM	
01S	34E	35	SW NW	BINGHAM	

5. Description of diverting works:

All wells are interconnected and are used to irrigate all land.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.42	96

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01S	34E	34	NE	NE	IRRIGATION	24
					Section Acres	24
					Total Acres	24

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

Right Nos. 35-2314, 35-2441 and 35-13601 are limited to a total combined diversion rate of 10.5 cfs and to a total combined annual diversion volume of 2428 AF.

The rights listed below are limited to the irrigation of a combined total of 631 acres in a single irrigation season. Combined Right Nos.:35-2314, 35-2441, 35-13601.

This right is for an enlargement of 24 acres within the place of use described for this right.

This right is based upon an enlargement of Right Nos. 35-2314 and 35-2441 pursuant to Section 42-1426, Idaho Code.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

The following rights are also diverted through point of diversion described above:35-2314, 35-2441.

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: _____

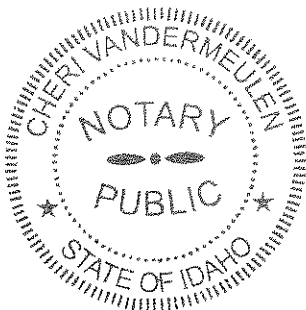
For Individuals:

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

Signature of Claimant(s): Robert L. Harris, Attorney Date: Mar. 21, 2007
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 21st day of March 2007

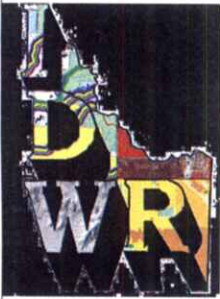


Cheri Vandermeulen

Notary Public

Residing at Idaho Falls, ID

My commission Expires July 7, 2009



Idaho Department of Water Resources

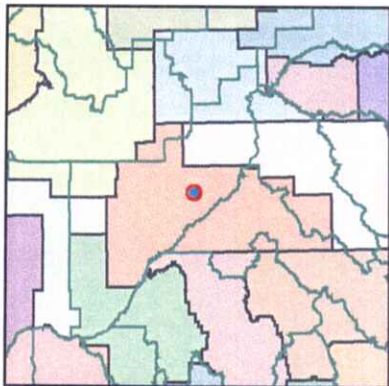
SRBA Claim:

35-13601

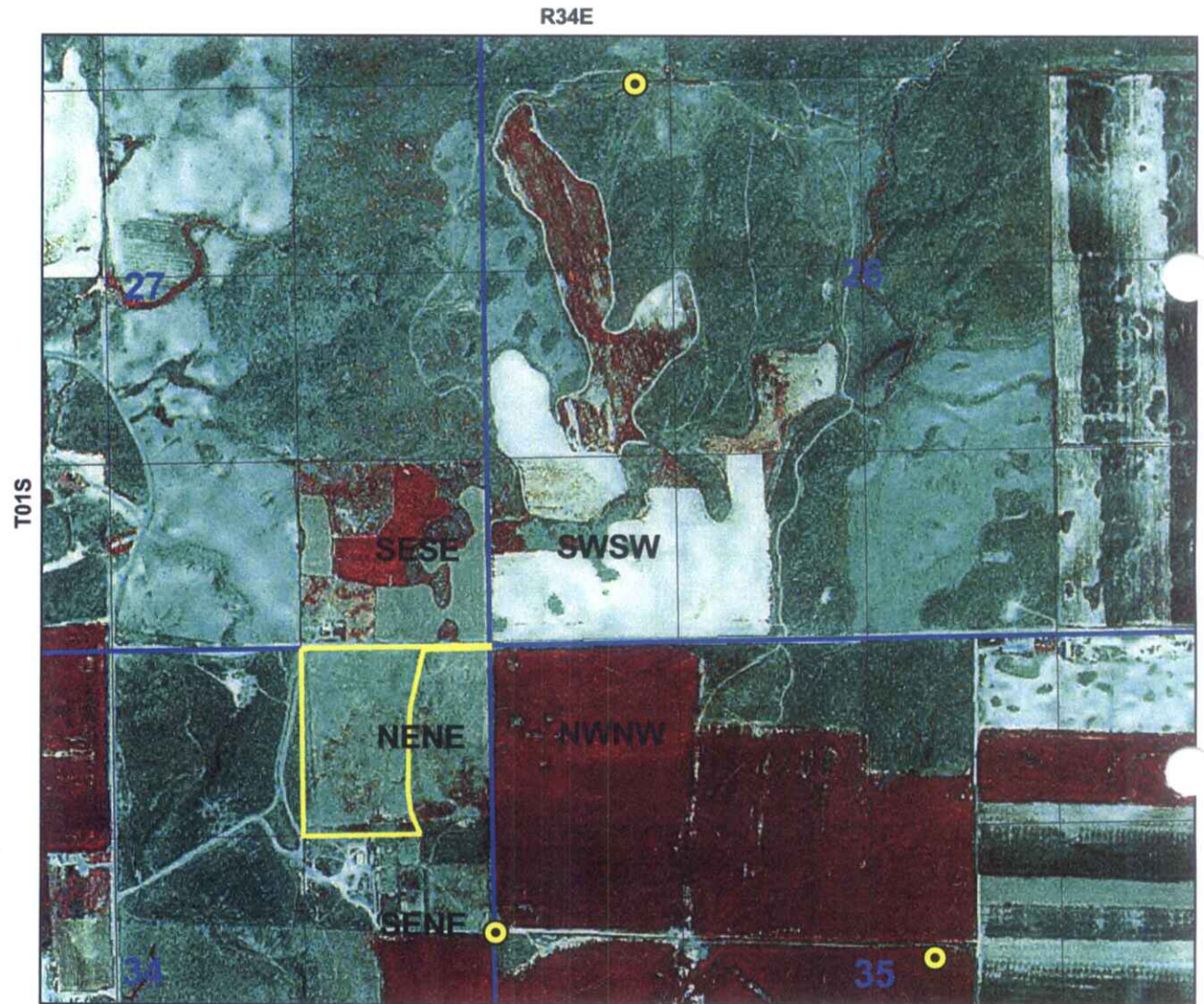
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 35



0 0.5 1 Miles



Prepared by T. Galbraith
On Tuesday, March 20, 2007
1987/88 Aerial Photography

USDA-ASCS FARM NO. NAME AND ADDRESS FARM LAND CROP- AND 1368 648 6366

59 Talmage Mickelson/Sons 4413 10-13

C rt 4 Box 335 M-6 0-6

00 Blackfoot Id 83221 0-7

82 6031539 8

Sec. 22 T1S R34

23, 24, 27, 28, 29 T1S R34E

Sec. 21, 22, 27, 28, 29 T1S R34E

OPERATOR OTHER INTERESTED PRODUCERS OTHER FARMS CROP ASSIGNMENT

NAME AND ADDRESS

KEY 3 4 5 6 7

PROGRAM YEAR 1985

OTHER 1985

SECTION I - FARM FIELD REPORT (Note: Gray Shaded Area For County Office Use Only)

TRACT NO.	FIELD NO.	CROP OR LAND USE	Wheat	Barley	Oats	Corn	ACR	Sugar Beets	Potato	SH-KEY ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS IDENT./MEAS.	ACRES	NET ACRES	INIT
0-71	3	full	60.0							5	7	8	9	10	11	2
0-6	3	full														
59C	A	with- grain														
7494	2	spring grain	72.1													
	F	with- grain														
2a	G	ACR					12.0									
2c	A	"					7.0									
2b	I	"					6.0									
1	I	"					15.2									
4713	B	ACR					16.9									
7494	B	spring							57.8							
59C	D	plow + oats for heavy seed to heavy														
13. TOTAL OPERATOR REPORT			132.1				57.1		57.8							
14. TOTAL DETERMINED ACREAGE																

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

OPERATOR'S SIGNATURE DATE

6/11/85

SECTION I - FARM FIELD REPORT (Continued) (Grey Area for County Office Use Only)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY										KEY	SH-ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS		NET ACRES	INIT. DATE
																	IDENT./MEAS.	ACRES		
-1	2	3											5	6	7	8	9	10	11	12
5	C	hay										15.5								
6	E	"										57.3								
4a		dry pasture										40.8								
496	B	pasture										93.8								
4713	A	"										116.5								
90		dry pasture																		
6-11		80 acres																		

SKETCHES OR REMARKS

GM. 6/11/85

Land designated for ACR acreage meets the cropping requirements or other eligibility requirements as applicable.



Sheila Reghey

USDA FARM SERVICE AGENCY
725 JENSEN GROVE DR. STE. #2
BLACKFOOT, ID 83221



ASCS-578
(6-7-78)

REPORT OF ACREAGE

USDA - ASCS

NOTE: Sec. 1374a, 7U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE

OF

FARM NO. 59	NAME AND ADDRESS Talmage Mickelson/Sons rt 4 Box 335 Blackfoot Id 83221	FARM- LAND 1908 84	CROP- LAND 0-7	OPERATOR		OTHER INTERESTED PRODUCERS	OTHER FARMS	CROP	ASSIGNMENT	JOB
				NAME AND ADDRESS	OTHER FARMS					
OWNER	NONE									
OWNER	NONE									
PROGRAM YEAR	1984									
OTHER	WLC									

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	AL & E
			WHT	BEY	OATS	COEN	ACR				IDENT./MEAS.	ACRES		
471 B	N-6 A	Pasture												
	B	Bush ground												
	C	Bush ground												
103 C	A	Hay												
	B	Hay												
	C	Hay												
	D	Hay												
	E	Hay												
	F	Hay												
TOTAL OPERATOR REPORT			123.3	61.5	0	0	75.9	0						
TOTAL REPORTER'S REPORT														

BINGHAM COUNTY

MAR 01 2007

FSA OFFICE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS

OPERATOR'S SIGNATURE

DATE

OPERATOR'S SIGNATURE

DATE

SECTION I - FARM FIELD REPORT (Continued) (Grey Area to be Filled In by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROPE OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES	INITIAL DATE
			WHT	RP	Chd	Qry						APD	IDENTITY & MEAS.		
1	2	3													
	8	WHT Filled	45.2												
	H	Hay - Cattle		61.5											
	J	Bushland													
	T	Pasture													
	K	WHT - 100													
	L	Hay - 100													
	M	WHT - 100	128.6												
	N	WHT - 100													
	O	WHT - 100													
	P	WHT - 100													

SKETCHES OR REMARKS

* U.S. GOVERNMENT PRINTING OFFICE: 1983-607-313: 1058

Land designated for Act meets 2 year cropping requirements
 or other eligibility requirements as applicable under 6/5/84

1983-100

24 23
27 26

B.L.N.

O-6

B.L.M.

C-59



I
Brush
Past

15.2

H. B. 44

27 26
34 35
C-59

40.5
C-59
J. P. 44

K. Hay R
9 yr.

Traced out
Gary Semons

C-99
49C
414

O-7

Brush

Hay R.
5 yr.

B. 57.8

A. 46.9

Hay

m.
wet field
128.6

C-59
15.5

Hay R.
5 yr.

57.3

E. 52.3

B. 93.4

Line 44

D. 128.6

BINGHAM COUNTY

MAR 01 2007

ESA OFFICE