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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

) Subcase: 78-07130

Case No. 39576

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

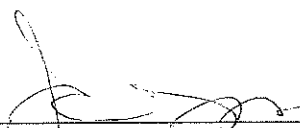
On March 19, 2007, Timothy W. and Lois M. Kelley filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 19, 2007. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were 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:

LOIS M KELLEY
TIMOTHY W KELLEY
HC 1 BOX 845
POLLOCK, ID 83547-9701
Phone: 208-628-3241

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

78-7130

Date Received

06-26-07

Receipt Number

C084425

DISTRICT COURT - SNDA
TWIN FALLS CO., IDAHO
FILED
2007 MAR 19 AM 10 45

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Timothy W. and/or Lois M. Kelley Phone (208) 628-3241Mailing Address HC1 Box 845 Pollock, Idaho Zip 83547-97012. Date of Priority (Only one (1) per claim) 10/7/19803. Source of water supply (a) Little Salmon River
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 23N Range 01E Section 16,
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Idaho

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.2 hp pump From
river to sprinklers for irrigation.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/1 to 11/30 amount 0.07 or 23.2

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.07 (cfs) and/or (b) 23.2 (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	
<u>23N</u>	<u>1E</u>	<u>9</u>											<u>2.0</u>						<u>2.0</u>
		<u>14</u>						<u>1.8</u>	<u>2.0</u>										<u>3.8</u>

Total number of acres irrigated 5.8

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

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 X

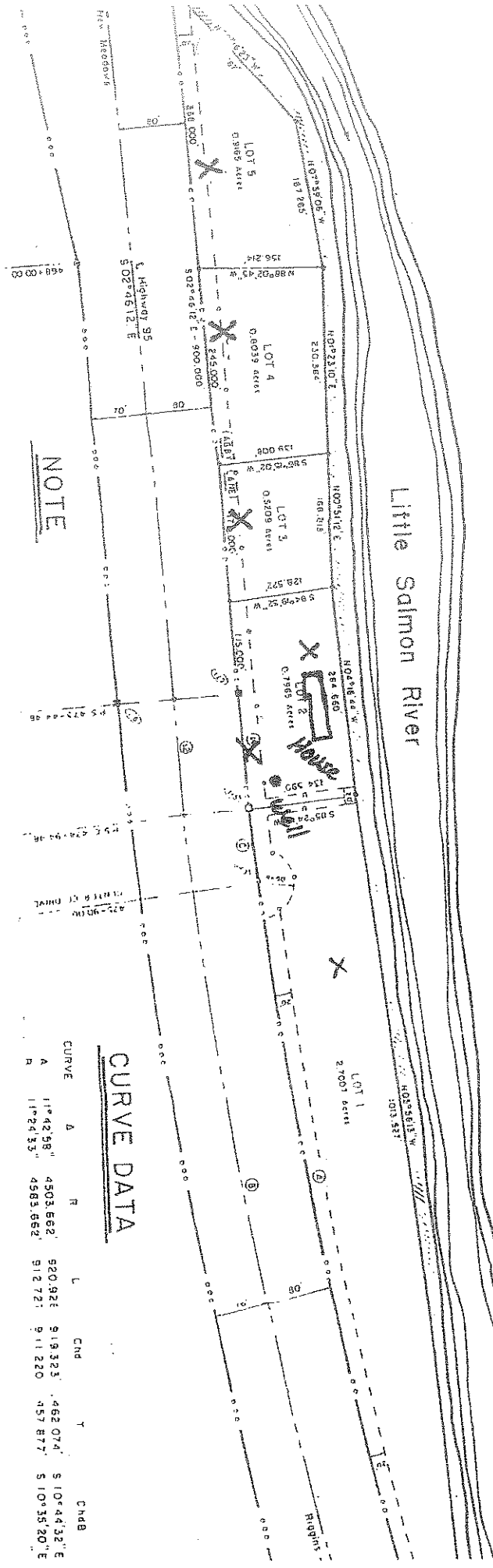
14. Remarks: P/U also known as Lots 1-5, W.F.
The no Subdivision.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant



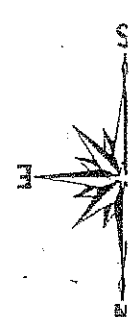
117 MAP
21E, 172 HILLS



NOTE
20' BUILDING SETBACK FROM HIGHWAY 95 R.O.W. LINE AS PER WARRANTY DEED. INSTRUMENT NO. 200857.

- SUBDIVISION LINE
- SUBDIVISION BOUNDARY
- R.O.W. LINE & SUBDIVISION BOUNDARY
- LOT LINE
- HIGHWAY CENTERLINE
- R.O.W. LINE
- ACCESS & UTILITY EASEMENT & BUILDING SETBACK LINE
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- MEANDER LINE & SUBDIVISION BOUNDARY

X = Septic
(approx Location)
Most = Marked by Metal Fence Posts



CURVE DATA

CURVE	A	R	L	Cnd	T	ChdB
A	11°42'58"	4503.662'	920.926'	919.323'	462.074'	S 10°44'35"E
B	11°24'33"	4583.662'	912.721'	911.220'	457.877'	S 10°35'20"E

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-7130
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) X Timothy M. Kelley Date 3-12-07

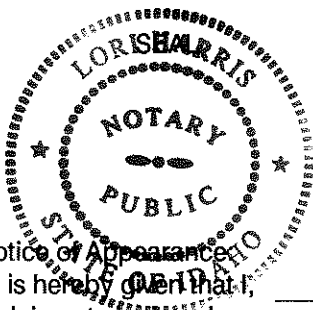
Date _____

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 Ada) SS.

Subscribed and sworn (or affirmed) before me this 12 day of March 19 2007



Notary Public Lori Harris

Residing at Boise, Idaho

My Commission Expires 12-12-12

Please Print Name

17. Notice of Appearance
Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant