

RECEIVED

NOV 02 2007

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 1 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

Case No. 39576

Water Right No.: 34-02418

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On May 23, 2007, John Lezamiz filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 23, 2007. No party appeared in opposition to the *Motion 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 October 15, 2007, the special master issued a ***Special Master's Report and Recommendation on Motion to File Late Claim*** recommending that the late claim 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 claim to IDWR for investigation and reporting.

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

IT IS SO ORDERED.

Dated November 1, 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 November 01,
2007, with sufficient first-class postage to the following:

JOHN LEZAMIZ FAMILY

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

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".

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

34-2418
11/2/07
C085249

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SNAKE RIVER BASIN
TWIN FALLS CO., IDAHO
FILED
2007 MAY 23 AM 10:25

Please type or print clearly

1. Name of Claimant (s) John Lezamiz Family Limited Partnership Phone (208) 734-7510
Mailing Address P.O. Box 389 Twin Falls, ID 83303 Zip 83303-0389
2. Date of Priority (Only one (1) per claim) 05/24/1961
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 07N Range 25E Section 31,
NW 1/4 of NW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Custer
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. Existing well provides supplemental water for
make-up diversions from Burnett ditch for irrigation of the property.
Existing flumes to measure diversions into (and out of) Burnett Ditch

6. Water is claimed for the follow purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 1.18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.18 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. 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 together 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	25E	31			40					30									70

Total number of acres irrigated 70

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

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.

34-230, 34-231, 34-232, 34-2275, 34-2350 Or None ☐

14. Remarks:

This claim represents additional diversion historically used but not included under
existing SRBA recommendation and partial decree for 34-2350.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Official Use _____ Posted Notice _____ License x Permit _____

Decree _____

If applicable provide IDWR Water Right Number 34-2418

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 1

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 5/22/07

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 the statements contained in the foregoing document are true and correct.

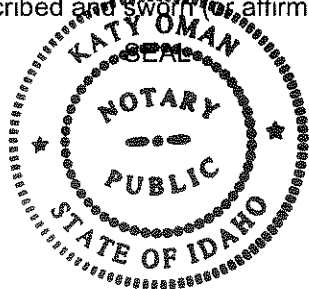
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)

County of Winn Falls) SS.

Subscribed and sworn to (or affirmed) before me this 22nd day of May, 2007



Notary Public Katy Oman

Residing at Highway 12

My Commission Expires 11/24/12

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 _____