

STAFF TIME LOG

LATE CLAIMS

Claim No(s).

3A-13560

[illegible]

Brent R. King
RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED
P. O. Box 1391/Center Plaza
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Fax: (208) 232-6109

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

	)	AFFIDAVIT OF FRANCIS SMITH
In Re SRBA	)	
	)	SUBCASE NOS. A34-13560
Case No. 39576,	)	
	)	
	)	
	)	
_____	)	

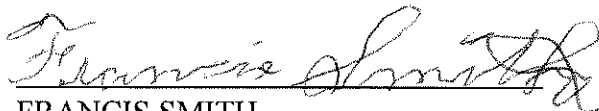
STATE OF IDAHO)
):ss.
County of Custer)

I, Francis Smith, upon my oath, depose and state as follows:

1. I reside at 105 W. Custard, Mackay, Idaho 83251.
2. I have lived in Mackay all of my life. I am familiar with water use on the property now owned by Marilyn Howard.
3. I remember water being used upon Marilyn's property starting in approximately 1935. The reason that I remember is because that is the approximate year that the highway which goes past Marilyn's property was finished. I remember the property being irrigated as I went past that property going northward.
4. It is my memory that irrigation has continued unto the present.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this ____ day of May, 1998.


FRANCIS SMITH

SUBSCRIBED AND SWORN TO before me this ____ day of May, 1998.

(SEAL)

NOTARY PUBLIC FOR IDAHO

Residing at:

My Commission Expires:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

November 26, 1997

**KARL J. DREHER
DIRECTOR**

MARILYN HOWARD
434 RIDGE RD
MOSCOW ID 83843

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A34-13560

Dear Claimant:

Your Notice of Claim to a Water Right was received from the SRBA Court recently. We have enclosed receipt #C040739 for the filing fees. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a circular stamp or seal.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region
Enclosures:
Receipt #C040739

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



Don

RECEIVED

NOV 25 1997

Department of Water Resources

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

November 20, 1997

Don
Dave Tuthill
P O Box 83720
Boise, ID 83720-0098

RE: Motions to File Late Notice of Claim in Subcases 34-13560 and 34-07220

Dear Dave,

Enclosed, please find Orders granting the above *Motions*, Notices of Claim for both water rights, a check from John A. Eaton in the amount of \$115.00 and a check from Dr. Marilyn Howard in the amount of \$202.30.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ami Alberdi".

Ami Alberdi
Snake River Basin Adjudication

Enclosures

RECEIVED

NOV 25 1997

Department of Water Resources

1997 NOV 20 PM 3:33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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 No. 34-13560

) Case No. 39576

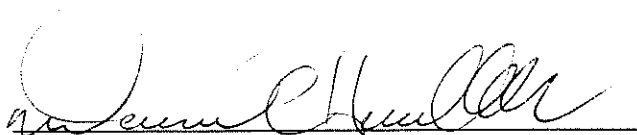
) ORDER GRANTING MOTION TO
) FILE LATE NOTICE OF CLAIM

On August 11, 1997, a *Motion to File a Late Notice of Claim* was filed by Brent King on behalf of Dr. Marliyn Howard. The *Motion* was heard at the monthly status conference on November 18, 1997.

The motion is **GRANTED**.

IT IS SO ORDERED.

DATED November 20, 1997.



DANIEL C. HURLBUTT, JR.

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 CLAIM** was mailed on November 20, 1997, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

US Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Brent King
Racine Olson Nye Cooper & Budge
P O Box 1391
Pocatello, ID 83204-1391



Deputy Clerk