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JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 2 2008	
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

) Subcase 79-13962
)
) ORDER GRANTING MOTION TO FILE
) AMENDED NOTICE OF CLAIM AND
) REQUESTING AMENDED DIRECTORS
) REPORT
)
) ORDER VACATING TRIAL

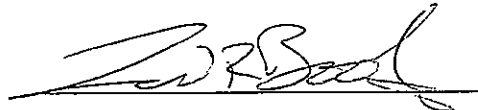
On June 4, 2008, the claimant of the above-captioned water right, James E. Bonato, filed a *Motion to File Amended Notice of Claim*. The *Motion* was heard on July 1, 2008. Based upon the comments of the participants at the hearing, and good cause appearing, the *Motion* is hereby **granted**. The Clerk of the Court is instructed to file the amended notice of claim that was lodged with the Court when the *Motion* was filed.

The Idaho Department of Water Resources is requested to prepare and file an amended director's report no later than **Friday, August 29, 2008**. Notice of the filing of the amended director's report will be published on the Court's Docket Sheet in September 2008. Objections to the amended director's report are due **September 29, 2008**. Responses to any objections are due **October 14, 2008**.

The objections and responses currently on file will not survive the filing of the amended director's report, and new objections or responses should be filed if necessary.

Dated

July 21, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

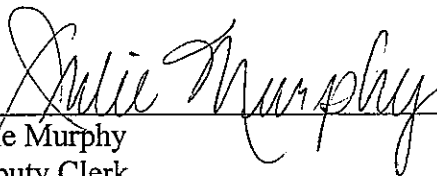
CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM AND REQUESTING AMENDED DIRECTOR'S REPORT and ORDER VACATING TRIAL** were mailed on July 2, 2008, by first-class mail to the following:

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

James E. Bonato
PO Box 350
Lucile, ID 83542

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Julie Murphy
Deputy Clerk

145

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 79-13962
Date Received: 5/21/1999
Receipt No: W025229
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN - 4 2008	
By _____	Clerk
_____	Deputy Clerk

1. Name of Claimant(s)

JAMES E BONATO Phone: (208)628-3087
PO BOX 350
LUCILE ID 83542

2. Date of Priority: 12/31/1902

3. Source: CABIN CREEK Trib. to: COW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	01E	8	NE NE	IDAHO	

5. Description of diverting works:

12" HEADGATE WITH 400' OF DITCH; DRAINAGE BACK TO CABIN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	
FIRE PROTECTION	03/15	11/15	0.50	

7. Total Quantity Appropriated is:
0.50 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	01E	5	SE	SE	DOMESTIC	
			SE	SE	STOCKWATER	
			SE	SE	IRRIGATION	5
			SE	SE	FIRE PROTECTION	
					Section Acres	5
					Total Acres	5

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

James Bonato

Date: *May 31 08*

Date: _____

I, Melvin C. Gill, was born in 1939 and have lived all my life in the Cow Creek and Cabin Creek Areas on property adjoining Benato's. In 1948, my parents bought the property that is now Benato's so I am familiar with the property.

Through these years, there was a cabin on this property that I was told was a homestead by Haydon Jenkins. I remember seeing the cabin in my youth. Through this time, I remember water coming out the ditch and running down the draw for stock water and irrigation. In my understanding, the ditch was built around 1902 by a man named Crannel to come down and irrigate his field. I remember seeing rhubarb plants east of the cabin and I was told that Haydon had a garden spot there which he obviously irrigated from the ditch. Through the years, my family used the water for stock water all the time and some of the time for irrigation. I can remember helping my dad put in a culvert headgate sometime in the early 1950's. And we did work on the ditch every spring by hand to repair the leaks. At this time, the water came down the draw to another little ditch then out to a hay field known as the Crannel Field.

Melvin C. Gill

MAY 14 - 2008