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JAN 22 2009

DEPARTMENT OF
WATER RESOURCES

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

JAN 21 2009

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

Subcases: 75-02065 & 75-02105

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

On September 18, 2008, Nancy Conway filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on January 20, 2009. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices 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 claims 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 January 21, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on January 21,
2009, with sufficient first-class postage to the following:

NANCY CONWAY

Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
SALMON, ID 83467
Phone: 208-756-2030

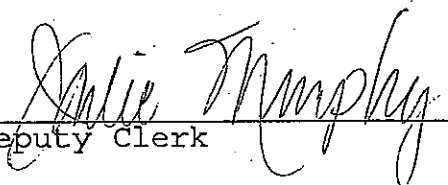
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 1/21/09

FILE COPY FOR 00515

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 75-2105

Date Received:

Receipt No:

Received By:

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 18 2008	
By _____	Clerk
_____	Clerk

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) NANCY CONWAY Phone (818) 784 8627
Mailing Address 16133 Highway PLACE ENCINO CALIFORNIA ZIP 91436
Street or Box City State
- Date of Priority (Only one (1) per claim) 09-15-1923
Month Day Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other ☒ (a) BEAVER CREEK
which is tributary to (b) PANTHER CREEK
- a. Location of Point of Diversion is: Township 23 N, Range 18 E, Section SW SE SEC 34
_____, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____
Additional points of diversion if any: ONE DIVERSION POINT
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____
_____, 1/4 Govt. Lot _____, BM., County of _____
- 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. Ditch with Rock LEAD CHANNEL.
NO ENLARGEMENTS OR CHANGES IN 30 YRS. ONLY MINOR
ANNUAL MAINTENANCE

Last Name _____ Ident No. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 5/15 to 9/30 amount .6 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .6 CFS (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>23N</u>	<u>18E</u>	<u>35</u>								<u>X</u>									<u>15</u>

Total number of acres irrigated 15

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

75-2065 or None ()

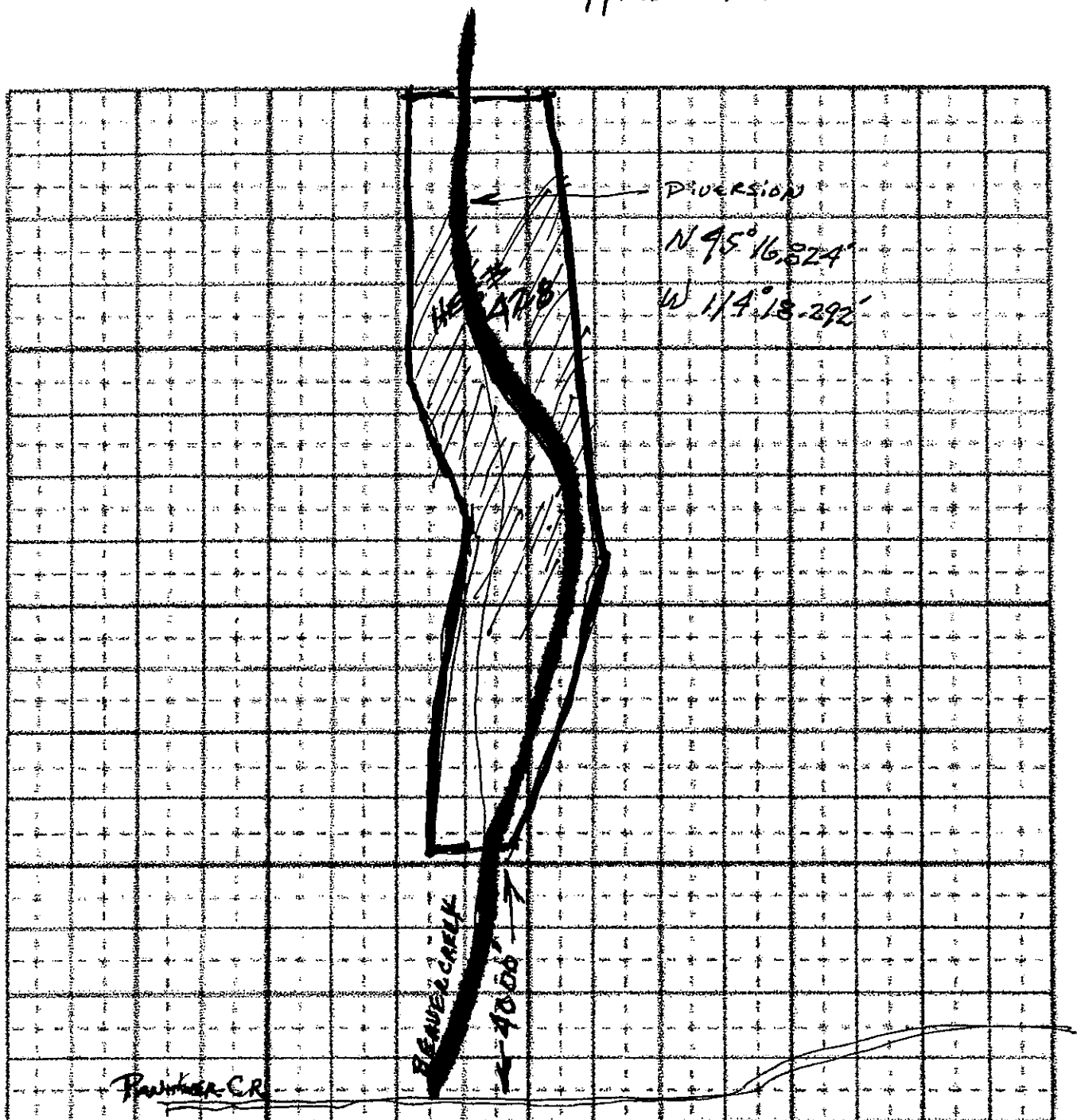
13. Remarks: WATER USED FOR HAY PASTURE

Last Name _____ Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile

H.E.S #428



Township 23N Range 18E. SECT SW SE SEC 34

Last Name _____ Ident No. _____

14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 75-2105

15. 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) _____

Date: _____

Nancy Poe Conway

Date: 9-4-08

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

Please Print Name

16. 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 No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/18/2008

WATER RIGHT NO. 75-2105

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAE ROOD SHOUP, ID

Priority Date: 05/14/1948

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER CREEK	PANTHER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	/	/	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

BEAVER CREEK		Sec. 35	Township 23N	Range 18E	LEMHI County
BEAVER CREEK	NWSE	Sec. 35	Township 23N	Range 18E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
23N	18E	34												
		35												

Conditions of Approval:

1.	P/U S34 & 35, T23N, R18E. H.E.S. 428. AC. IRR. = 25 TO 30.
----	--

Dates:

Licensed Date: 10/16/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

State of Idaho

License and Certificate of Water Right

Water License No. 20469

Amount 0.6 second feet

Water District No. _____

Priority May 14, 1948

THIS IS TO CERTIFY that MAX MOOD
of Sheep, Blaine made application for a permit to appropriate the
public waters of the State of Idaho, dated May 14, 1948; that Permit No. 20469
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One second feet, was issued thereunder on August 30, 1948, showing that said works
were completed on the 30th day of June, 1948; and that on the 27th
day of August, 1948.

MAX MOOD

of Sheep, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Beaver Creek,
a tributary of Panther Creek, for the purpose of irrigation
under Use Permit No. 20469 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4690, on the 17th day of January, 1951;

The right hereby confirmed dates from May 14, 1948;

The Point of Diversion ^{are} located four points in Section 35,
~~Section 34~~ Section 35, Twp. 23 N., R. 18 E., B.M. (Unsurveyed) Lemhi Creek

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
22 N.	13 E.		N.E.S. No. 428 located in Sections 34 and 35, Twp. 22 North, Range 18 East, B.M. (Unsurveyed);		30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of January, 1951.

MARK R. KULP
State Reclamation Engineer

(Seal)

75-2165

INTER-DEPARTMENT MEMO — 1

FROM *Ylu*

DATE 11-7-84

TO File 75-2105

SUBJECT The Township for P.d. & P.L.U. should be T23N rather than T22N as shown on lic. (Determined from quad sheets & county maps).

Ylu

SIGNATURE

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 80469

REPORT ON PROOF OF Beneficial use

*6 cfs
max*

2 c.f.s

25-30 acres

9-465

T. 23 N., R. 18 E.

H.E.S. # 390

25 to 30 acres irrigated

Read

~~Beaver Creek~~

34

-36-

1.1.1 Points of Discontinuity

20469

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20469

This proof is for Beneficial use In Water District No. _____1. Name of applicant Mae Rood, Shoup, Idaho2. Source of water supply: Beaver Creek, a tributary of Panther Creek3. Location of point of diversion: Is in the 4 points in of Section 35T. 23 N. R. 18 E. County of Lemhi (Unsurveyed)

4. Describe works as they exist, giving dimensions and capacities of same:

Ditches No. 1 & 3 are 2 ft. wide and 1 ft. deep.Ditches No. 2 & 4 are 1 ft. wide and 1 ft. deep.No. 1 has a pole culvert bridge across the road.5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

H. E. S. No. 428, in NE 1/4 SW 1/4 & SW 1/4 SW 1/4 Section 35, and NE 1/4 SE 1/4 Section 34,Twp. 23 N., Range 18 E., E. M. (Unsurveyed)- Approximately

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Salmon RiverRemarks: Irrigation is mostly shoes string pasture.This land was originally H.E.S. #128. The adjoining land wasH.E.S. #390 (see permit 18961)This examination was made on the 16 day of June, 1949(Signed) F. A. Tolman
Examiner.

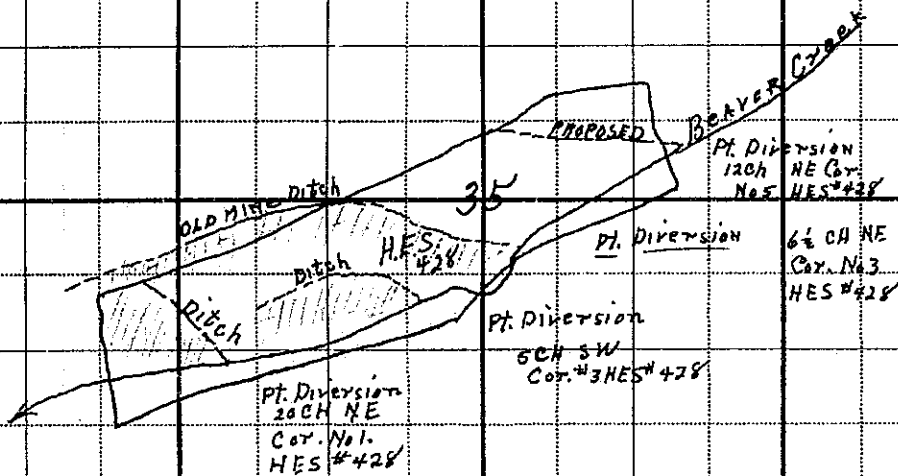
20469

NAME OF APPLICANT M. R. Rood

FORM No. O

UNSURVEYED
T23NR.18E

34



Permit Map No. 20469
As Approved
MAY 20 1948
MARK R. KULP
State Registration Engineer

20469

T. 22 N. R. 18 E.
Unsurveyed.

Traced from Plat in
Land & Survey Office.

Jan 3-57
E. N. Humphrey,
Permit # 20469

