

RECEIVED

FEB 20 2009

DEPARTMENT OF
WATER RESOURCES

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

FEB 18 2009

By

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: 75-14531 & 75-14532
)
) ORDER GRANTING LATE NOTICE OF
) CLAIM and SUBSEQUENT ORDER OF
) REFERENCE APPOINTING
) TERENCE A. DOLAN AS SPECIAL
) MASTER
)

On November 3, 2008, the Anne M. Heltsley Living Trust filed a *Motion to File Late Notice of Claim* for the above-captioned water rights. No party has appeared in opposition to the *Motion*. The Court finds that good cause exists for granting the instant *Motion*. In addition, the Court finds that the above-captioned water rights overlap with water right claim numbers 74-4126, 75-10400, and 75-120603, which are now pending before Special Master Terrence A. Dolan.

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 forthcoming *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1 4d(2)(h)**.

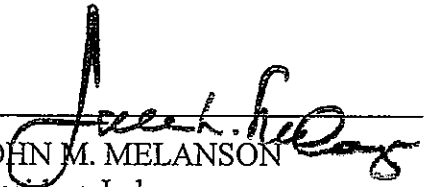
IT IS FURTHER HEREBY ORDERED that subsequent to the issuance of the *Late Claims Director's Report*, Special Master Terrence A. Dolan be appointed to preside over the above-captioned subcases with the authority previously conferred in the **Order of Reference for Basin 75**. These subcases will be referred to Special Master Dolan

ORDER GRANTING LATE NOTICE OF CLAIM and SUBSEQUENT ORDER OF REFERENCE
APPOINTING TERENCE A. DOLAN AS SPECIAL MASTER

Page 1 of 2

regardless if any objections are filed, in order to resolve any impact these subcases may have on other overlapping subcases pending before the Special Master.

Dated February 18, 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 LATE NOTICE OF CLAIM AND SUBSEQUENT ORDER OF REFERENCE APPOINTING TERRENCE A DOLAN AS SPECIAL MASTER was mailed on February 18, 2009, with sufficient first-class postage to the following:

ANN M HELTSLEY LIVING TRUST

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

PATRICK D MURPHY

14 BLAZE TREE TRAIL

NORTH FORK, ID 83466

DARYL HULL

15 BLAZE TREE TRAIL

NORTH FORK, ID 83466

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

NOV 3 - 2008

By _____
Deputy Clerk

FEB 20 2009
RECEIVED

FEB 20 2009

Ident. Number DEPARTMENT OF
75-14531 WATER RESOURCES

Date Received:

2-20-2009

Receipt Nos:

C088048 & C088049

Received By:

SRA \$167- & \$75-

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Ann M. Heltsley Living Trust Phone: (208)344-8242
P.O. Box 83
Idaho City, ID 83631

2. Date of Priority: 05-01-1887

3. Source: unnamed Stream Trib. to: North Fork Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	21E	15	SE SW SW	LEMHI	
			SW SE SW	LEMHI	

5. Description of diverting works:

canal diverts entire stream to the POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/30	.32	
Stockwater	01/01	12/31	.04	
Domestic	01/01	12/31	.04	

7. Total Quantity Appropriated is:

.40 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
20 Head mixed horses, mules and cattle
1 house

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	21	NE	NE	IRRIGATION	.4
			NW	NE	IRRIGATION	3.1
			SW	NE	IRRIGATION	2.2
			SE	NE	IRRIGATION	1.0

Section Acres 6.7

Total Acres 6.7

11. Place of use in counties: LEMHI

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

YES

13. Other Water Rights Used:

14. Remarks:

Single Family Residence
Stockwater for approximately 20 head of stock
Block 2, Lot 2 River Run Estates

15. Basis of Claim: Beneficial Use/Statutory Claim

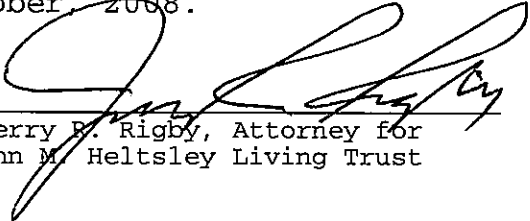
16. Signature(s)

(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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

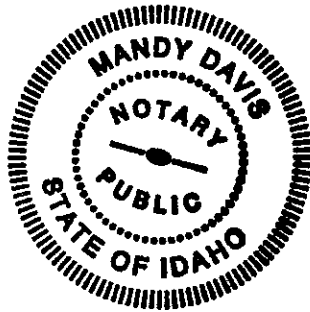
DATED this 31st day of October, 2008.


Jerry R. Rigby, Attorney for
Ann M. Heltsley Living Trust

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 31st day of October, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Ann M. Heltsley, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

RECEIVED

FEB 20 2009

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

DEPARTMENT OF
WATER RESOURCES

IN RE THE GENERAL ADJUDICATION

OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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

NOV 3 - 2008

By _____
Clerk
Deputy Clerk

Ident. Number
75-14532

Date Received:

2-20-2009

Receipt Nos:

C088048 & C088049

Received By:

SRB #67- & #75 -

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

1. Name of Claimant(s)

Ann M. Heltsley Living Trust Phone: (208)344-8242
P.O. Box 83
Idaho City, ID 83631

2. Date of Priority: 05-01-1887

3. Source: North Fork Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	21E	21	SE NE	LEMHI	

5. Description of diverting works:

pump to house

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Domestic	01/01	12/31	.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
25N	21E	21	NE	NE		Domestic	
			NW	NE		Domestic	
			SW	NE		Domestic	
			SE	NE		Domestic	

11. Place of use in counties: LEMHI

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

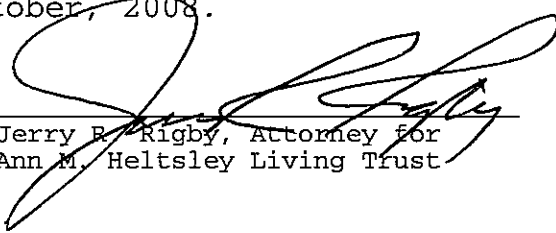
16. Signature(s)

(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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

DATED this 31st day of October, 2008.

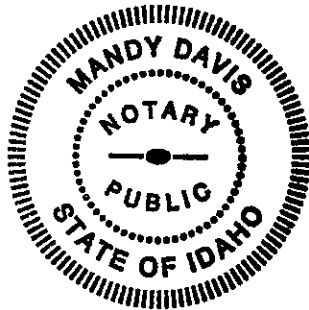


Jerry R. Rigby, Attorney for
Ann M. Heltsley Living Trust

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 31st day of October, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Ann M. Heltsley, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011