

RECEIVED

JUN 18 2009

DEPARTMENT OF
WATER RESOURCES

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

JUN 17 2009

By _____

District 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

Subcase: 75-14591 & 75-14592

Case No. 39576

ORDER GRANTING MOTION TO FILE
AMENDED LATE NOTICE OF CLAIM

On February 6, 2009, Steven K. Yowell, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water rights. A hearing on the *Motion to File Late Notices of Claim* was held on May 19, 2009. No party appeared in opposition to the *Motion* and the *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*.

Therefore, upon a *Motion to File Amended Notice of Claim* duly made by the claimant to amend the basis of the original Late Notices of Claim from "beneficial use" to "decree," IT IS HEREBY ORDERED that the *Motion to File Amended Late Notices of Claim* for 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. The Idaho Department of Water Resources will report the claims in the forthcoming *Late and Miscellaneous 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 June 17, 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 MOTION TO FILE AMENDED LATE NOTICE OF CLAIM was mailed on June 17, 2009, with sufficient first-class postage to the following:

STEVEN K YOWELL

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

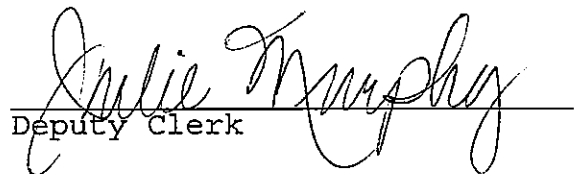
REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.

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
75-14591

Date Received:

Receipt Nos:

Received By:

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

1. Name of Claimant(s)

Steven K. Yowell
3509 Ballance Ct.
Chasapeake, VA 23321
(757)686-8299

2. Date of Priority: 05/01/1888

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	35	NE NE	LEMHI	

5. Description of diverting works:

Diver Dam/Wood headgates - ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	10/31	1.28	

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

8. Total consumptive use:

2009 JUN 12 PM 10 59
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	03	SW	NE	Irrigation	5.0

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:
75-2025G, 75-10061AM, 75-10062AL, split from 75-00070 (late application)

14. Remarks:

15. Basis of Claim: Decree

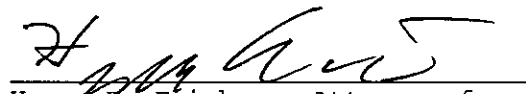
16. Signature(s)

(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:

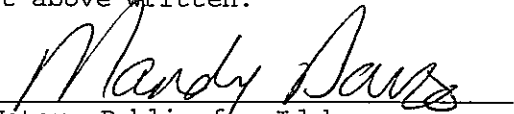
DATED this 11th day of June, 2009.


Hyrum D. Erickson, Attorney for
Steven K. Yowell

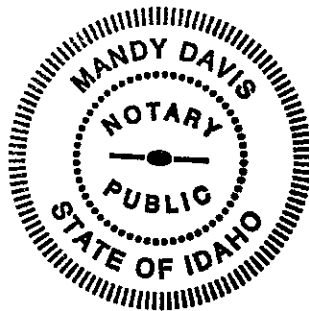
STATE OF IDAHO,)
 ss.
County of Madison.)

On this 11th day of June, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



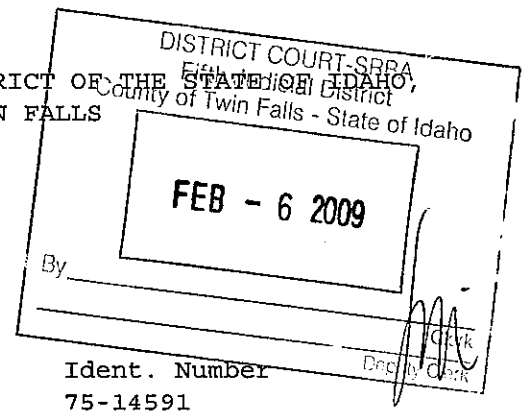
Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011



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



Date Received:

Receipt Nos:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Steven K. Yowell
3509 Ballance Ct.
Chasapeake, VA 23321
(757) 686-8299

2. Date of Priority: 05/01/1888

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	35	NE NE	LEMHI	

5. Description of diverting works:

Diver Dam/Wood headgates - ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	10/31	1.28	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	03	SW	NE	Irrigation	5.0

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:

75-2025G, 75-10061AM, 75-10062AL, split from 75-00070 (late application)

14. Remarks:

This is the same 1888 right previously filed on by all of the other members of the "Burns Group" with whom Mr. Yowell is equally situated.

15. Basis of Claim: Beneficial Use

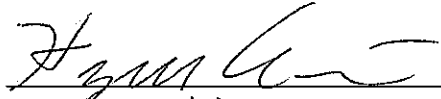
16. Signature(s)

(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:

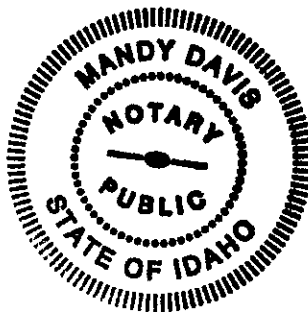
DATED this 5th day of February, 2009.

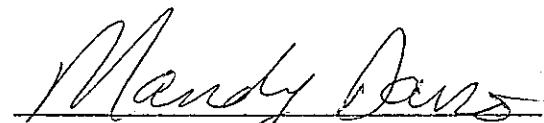

Hyrum D. Erickson, Attorney for
Steven K. Yowell

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

On this 5th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.




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

61
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
75-14592

Date Received:

Receipt Nos:

Received By:

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

1. Name of Claimant(s)

Steven K. Yowell
3509 Ballance Ct.
Chasapeake, VA 23321
(757)686-8299

2. Date of Priority: 05/01/1892

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	35	NE NE	LEMHI	

5. Description of diverting works:

Diver Dam/Wood headgates - ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	04/01	10/31	1.75	

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

8. Total consumptive use:

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 12 PM 10 59

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	03	SW	NE	Irrigation	5.0

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:

75-2025G, 75-10061AM, 75-10062AL, split from 75-00069 (late application)

14. Remarks:

15. Basis of Claim: Decree

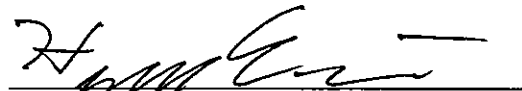
16. Signature(s)

(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:

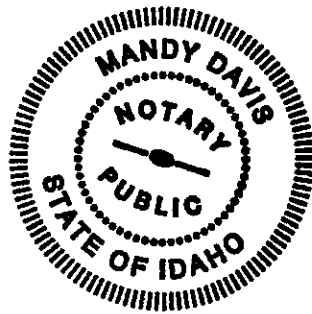
DATED this 11th day of June, 2009.


Hyrum D. Erickson, Attorney for
Steven K. Yowell

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

On this 11th day of June, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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

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
75-14592

Date Received:

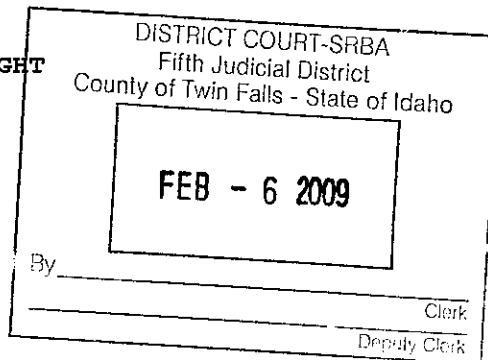
Receipt Nos:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Steven K. Yowell
3509 Ballance Ct.
Chasapeake, VA 23321
(757) 686-8299



2. Date of Priority: 05/01/1892

3. Source: Carmen Creek Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	35	NE NE	LEMHI	

5. Description of diverting works:

Diver Dam/Wood headgates - ditches

6. Water is used for the following purposes:

Purpose From To C.F.S. (or) A.F.A
Irrigation 04/01 10/31 1.75

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	03	SW	NE	Irrigation	5.0

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:

75-2025G, 75-10061AM, 75-10062AL, split from 75-00069 (late application)

14. Remarks:

This is the same 1892 right previously filed on by the other members of the "Burns Group" with whom Mr. Yowell is similarly situated.

15. Basis of Claim: Beneficial Use

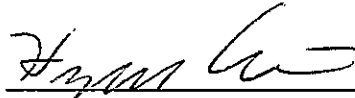
16. Signature(s)

(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 5th day of February, 2009.

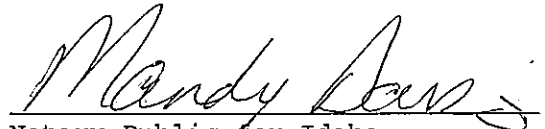
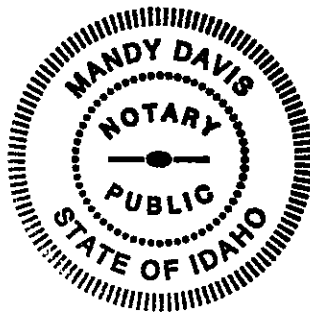


Hiram D. Erickson, Attorney for
Steven K. Yowell

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

On this 5th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



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

Idaho Department of Water Resources Receipt

Receipt ID: C088846

Payment Amount	\$105.00	Date Received	6/18/09 1:43	Region	STATE
Payment Type	Check	Check Number	27685		
Payer	RIGBY, ANDRUS & MOELLER, CHARTERED				

Comments Subcase #'s 75-14591 & 75-1492, Steven K. Yowell

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$105.00	ADJUDICATION FILING FEE	0337		41503	1155

SR7

Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: C088847

Payment Amount	\$105.00	Date Received	6/18/09 1:45	Region	STATE
Payment Type	Check	Check Number	27686		
Payer	RIGBY, ANDRUS & MOELLER, CHARTERED				

Comments Subcase #'s 75-14591 & 75-1492, Steven K. Yowell

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$105.00	ADJUDICATION FILING FEE	0337		41503	1155

SR7

Signature Line (Department Representative)