

RECEIVED

JUN 19 2009

DEPARTMENT OF
WATER RESOURCES

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

JUN 18 2009

By _____

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

Clerk

Deputy Clerk

In Re SRBA

Subcases: 61-07023 & 61-12228

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

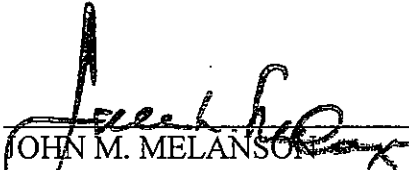
On March 23, 2009, Margaret J. Cox filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on June 16, 2009. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made 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 June 18, 2009.

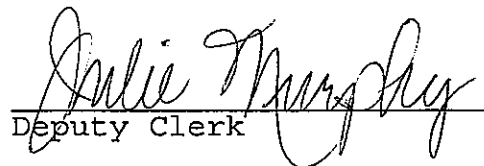

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on June 18,
2009, with sufficient first-class postage to the following:

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

MARGARET J COX
3980 W HARBOR PT DR
MERIDIAN, ID 83646
Phone: 208-869-2604

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

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 4006861

Date: 12/07/87
Time: 12:50:15

Received
From: CDR. MARGARET J.

Type of Payment	Program Acct Class	Amount
REGISTRATION CLAIM FEE	0410162 9337 6490	\$147.50

Total \$147.50

CHECK 713

Idaho Department of Water Resources

Region: WESTERN

Signature: Lori Harris

Edward,

Please complete red
circled numbers on each
claim + return. Thx

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

RECEIVED
DEC 06 1989

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 39576

Ident. Number

61-7023

Date Received

12-6-89

Receipt Number

W006883

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

MAR 23 2009

By

Clerk

Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) ~~Edward W. Cox~~ + Margaret J. Cox Phone (208) ~~587-3091~~ 869-2604

Mailing Address

~~335 Phelps Circle, Malheur ID~~

Zip

~~83647~~

② Date of Priority (Only one (1) per claim) 3/14/1968 Meridian ID 83646

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3S Range 6E Section 11,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Elmore

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. 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. well, 6 inch casing, 15 hsp,

submersible pump, 200 ft. deep,

6.. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from May to October amount .55 or _____

For irrigation purposes from March to November amount .55 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .55 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90.0 ~~67.5~~ acre feet per annum.

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

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35	6E	11																22.5	22.5

Total number of acres irrigated 22.5

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Mtn. Home Irrigation District 22.5 shares or None ()

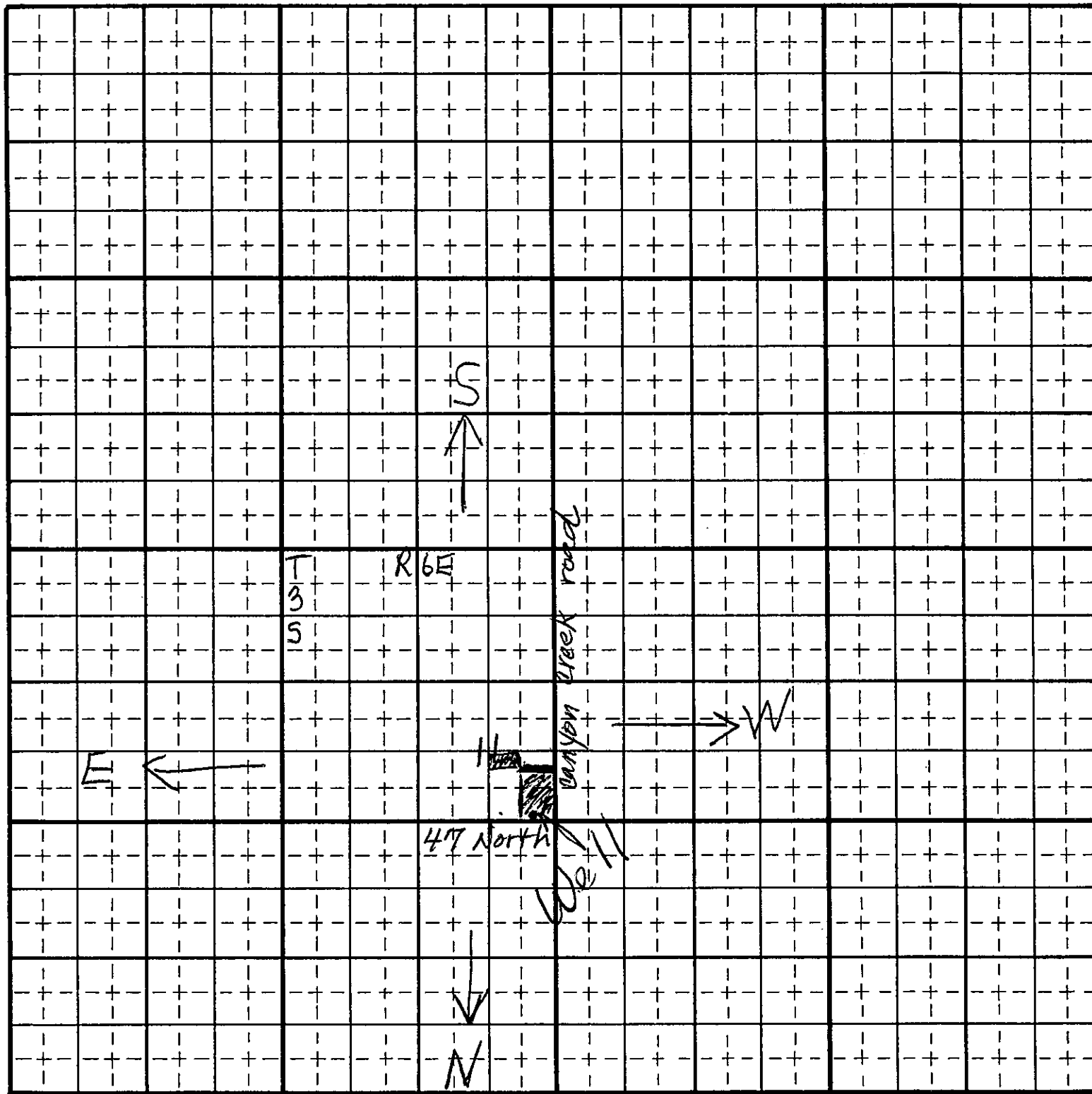
14. Remarks:

Last Name Cox Ident No. 39576

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name Cox Ident No. 39576

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 one

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Edward W. Cox

Date 12/4/89

Margaret J. Cox

Date 12-4-89

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing

Organization

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 _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)

County of Elmore) SS.

Subscribed and sworn (or affirmed) before me this 5th day of December 19 89

SEAL

Notary Public B. Melba Capell

Residing at Mtn Home

My Commission Expires 6-21-91

Please Print Name

17. 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 Cox Ident. Number 39576

Copies White-State, Yellow-Claimant

EDWARD W. COX and MARGARET J. COX, Husband and Wife, of 535
Phelps Circle, Mountain Home, Idaho, the Grantees, the following
described premises in Elmore County, Idaho, to-wit:

Tax No. 2, Section 11, Township 3 South, Range 6
East, Boise Meridian, Elmore County, Idaho; which
said tax number is more particularly described as
follows:

Commencing at a point 679 feet due West of the
Northeast corner of the NW 1/4 SE 1/4,
Section 11, T3S, R6E, B.M.; and running thence
West 641 feet; thence
South 1155 feet; thence
East 641 feet; thence
North 1155 feet to the POINT OF BEGINNING.

AND

Tax No. 3, Section 11, Township 3 South, Range 6
East, Boise Meridian, Elmore County, Idaho; which
said tax number is more particularly described as
follows:

Commencing at a point 1155 feet due South of the
Northeast corner of the NW 1/4 SE 1/4, Section
11, T3S, R6E, B.M.; and running thence
South 165 feet; thence
West 1320 feet to the Southwest corner of the NW 1/4
SE 1/4 of said Section 11; thence
North 165 feet; thence
East 1320 feet to the POINT OF BEGINNING.

AND

The N 1/2 N 1/2 N 1/2 SW 1/4 SE 1/4, Section 11,
Township 3 South, Range 6 East, Boise Meridian,
Elmore County, Idaho; SAVE AND EXCEPT the
following described parcel:

Commencing at the Southwest corner of the N 1/2
N 1/2 N 1/2 SW 1/4 SE 1/4, Section 11, T3S,
R6E, B.M.; and running thence
North 425 feet 5 inches; thence
East 462 feet; thence
South 425 feet 5 inches; thence
West 462 feet to the POINT OF BEGINNING.

ALSO SAVE AND EXCEPT that portion deeded to the
County of Elmore, State of Idaho, for road purposes,
by deed recorded April 18, 1914, in Book 1 of Deeds
to Public Highways at Page 30, records of Elmore
County, Idaho.

3/26/1990.

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Col. Edward & Margaret

CLAIM IDENT. NO.

A61

DATE RECEIVED

12-6-89

CK #

713

AMOUNT \$

147⁰⁰ / \$73⁰⁰

Required

- | | YES | NO | Info? |
|--|---|-------------------------------------|-------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☐ | ☒ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | N/A ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | NO specific dates |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | N/A ☒ | ☐ | |
| Is the consumptive use correct? | N/A ☐ | ☒ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated?
(see Item No. 17 for checking other water rights) | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the basis of claim is shown as license, permit or decree is the existing water right number listed? (If yes, compare claim with the existing water right and either attach a proof report or state in comments that existing right was compared to claim) | N/A ☐ | ☐ | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. on the claim? (If yes, describe these rights in "Comments") NOTE: If the claim is for domestic/stockwater this check is not as necessary unless it is indicated there is an existing right | N/A ☐ | ☐ | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | N/A ☒ | ☐ | |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | ☒ | ☐ | * |
| 20. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 21. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 22. Is the fee enclosed correct? | Exempt ☐ | ☒ | * |

23. Should this claim be receipted and data entered?

YES

NO

Claim checked by: JH

Date: 2-12-91

Claim must be returned to claimant:

X (Yes) X (No)

Claimant must be notified of modifications:

X (Yes) X (No)

Receipt Prepared by: JH

Date: 12-7-89

Claim data entered by: _____

Date: _____

Checked by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Comments:

No priority date. 50¢ short on fee.



State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 61-7023 Priority March 14, 1968 Amount 0.40 cfs

THIS IS TO CERTIFY, that HAROLD R. HICE
of Mountain Home, Idaho, has complied with the terms and conditions of Permit
No. 61-7023 issued pursuant to Application for Permit dated March 14, 1968,
and has submitted proof to the Department of Water Administration on January 23, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.41 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 15</u>	at <u>0.40</u> cfs and	<u>90 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.5 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.40 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
90 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11,
Twp. 3 S, Rge. 6 E, B. M. in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 S	6 E	11													18	2			20

Total number of acres irrigated 20

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
February, 19 74.

Director

61-7023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7023

WATER RIGHT NUMBER: 61-7023

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAROLD R HICE RT 1 BOX 644 MOUNTAIN HOME, ID 83647

Priority Date: 03/14/1968

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/15	0.400 CFS	90.00 AF
	<u>Total Diversion:</u>	0.400 CFS	90.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 11, Twp 03S, Rge 06E, B.M.
ELMORE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	06E	11															18.0	2.0	20.0

Total Acres: 20

Conditions of Approval:

- 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7023

Licensed Date: 12/3/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: