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SEP 18 2009
DEPARTMENT OF
WATER RESOURCES

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

SEP 17 2009

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

Subcase: 22-13937

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On June 2, 2009, the James William Beard and Leona Beard Trust filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 15, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

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 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 September 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 LATE NOTICE OF CLAIM was mailed on September 17, 2009, with sufficient first-class postage to the following:

JAMES WILLIAM BEARD AND LEONA
BEARD TRUST
RT 1 BOX 1790
TETONIA, ID 83452
Phone: 307-576-2810

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.

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 22-13937
Date Received: 5/29/2009
Receipt No:
Received By: MWH

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

1. Name of Claimant(s)

JAMES WILLIAM BEARD AND LEONA BEARD TRUST Phone: (307) 574-2810
RT 1 BOX 1790
TETONIA ID USA 83452

2. Date of Priority: 07/01/1922

3. Source: UNNAMED STREAM Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	3	NE SE NW	TETON	
04N	45E	3	NE NE NE 1	TETON	

5. Description of diverting works:

HEADGATE TO DITCH AND CHECK STRUCTURE TO DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1.95	

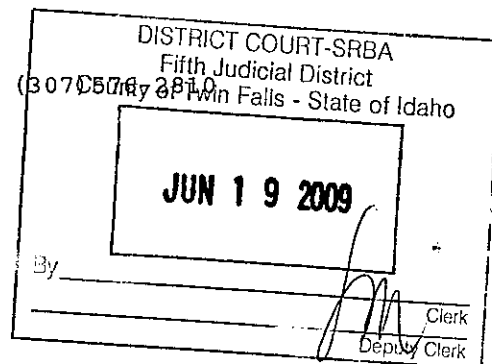
7. Total Quantity Appropriated is:
1.95 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	45E	3	SW NE	IRRIGATION	29
			SE NE	IRRIGATION	6.8
			SW NW	IRRIGATION	3.6
			SE NW	IRRIGATION	31
			NE SW	IRRIGATION	11
			NW SW	IRRIGATION	13
			NW SE	IRRIGATION	3



Section Acres 97.4

Total Acres 97.4

11. Place of use in counties: TETON

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

13. Other Water Rights Used: 22-13748, 22-13749, 22-13750

14. Remarks:

LATE CLAIM AWAITING ACCEPTANCE BY SRBA COURT.

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 Organizations:

I do solemnly swear or affirm that I am trustee of

Title

Beard family trust
Organization

that I have signed the foregoing

document in the space below as trustee of

Title

Beard family trust
Organization

and that the statements contained in the

foregoing document are true and correct

Signature of Authorized Agent

James W Beard

Beard family trust
Title and Organization

6/18/09
Date

State of Idaho

County of

Teton

) SS.

Subscribed and sworn (or affirmed) before me this

of June 2009

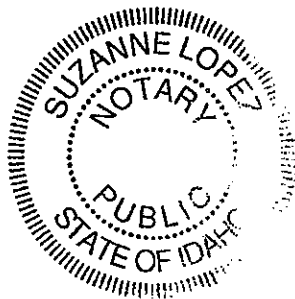
18th
Suzanne Lopez
Notary Public

Residing at _____

Residing in Teton County

My commission Expires _____

Commission Expires on 06/30/2014



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 22-13937
Date Received: 5/29/2009
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES WILLIAM BEARD AND LEONA BEARD TRUST Phone: (307) 576-2811
RT 1 BOX 1790
TETONIA ID USA 83452

2. Date of Priority: 07/01/1922

3. Source: UNNAMED STREAM Trib. to: TETON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	3	NE SE NW	TETON	
04N	45E	3	NE NE NE 1	TETON	

5. Description of diverting works:

HEADGATE TO DITCH AND CHECK STRUCTURE TO DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.02	

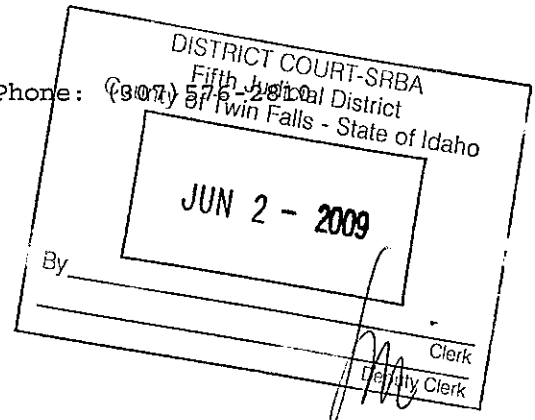
7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	45E	3	SW NE	IRRIGATION	29
			SE NE	IRRIGATION	6.8
			SW NW	IRRIGATION	3.6
			SE NW	IRRIGATION	31
			NE SW	IRRIGATION	11



NW SW
NW SE

IRRIGATION 13
IRRIGATION 3

Section Acres 97.4

Total Acres 97.4

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

LATE CLAIM AWAITING ACCEPTANCE BY SRBA COURT.

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 Organizations:

I do solemnly swear or affirm that I am trustee of _____
Title

Beard Family Trust
Organization

that I have signed the foregoing document in the space below as trustee of _____
Title

Beard Family Trust
Organization

and that the statements contained in the foregoing document are true and correct.

James W Beard
Signature of Authorized Agent

trustee Beard Family Trust
Title and Organization

5/29/09
Date

State of Idaho)

County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 29th day

of May 2009

Bobby Kern

Notary Public

Residing at Idaho Falls

My commission Expires 9-12-2014

