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NOV 10 2009

DEPARTMENT OF
WATER RESOURCES

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

NOV - 9 2009

By

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: 61-02142

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

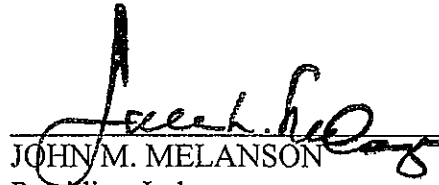
On July 22, 2009, William H. and Gloria G. Zachry filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 6, 2009. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were 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 November 9, 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 November 09, 2009, with sufficient first-class postage to the following:

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

GLORIA G ZACHRY
WILLIAM H ZACHRY
125 BRADFORD ST
MOUNTAIN HOME, ID 83647
Phone: 208-587-4426

ORDER

Page 1 11/09/09

FILE COPY FOR 00606

Deputy Clerk

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".



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

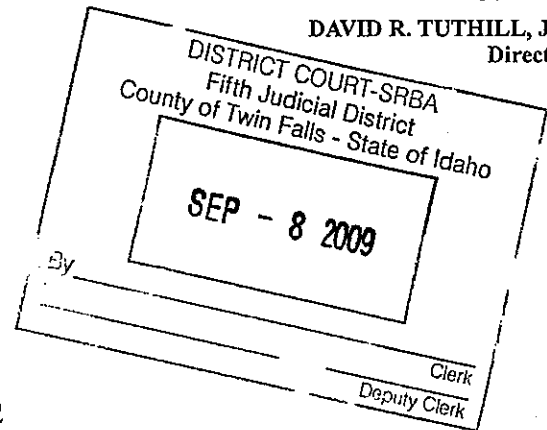
C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 24, 2009

GLORIA G ZACHRY
WILLIAM H ZACHRY
125 BRADFORD ST
MOUNTAIN HOME ID USA 83647

RE: Snake River Basin Adjudication (SRBA)
Motion to File Late Notice of Claim 61-2142



Dear Mr. and Ms. Zachry,

The Idaho Department of Water Resources (IDWR) recently received a copy of the Motion to File Late Notice of Claim 61-2142. My initial review found that you claimed a priority date of 1-1-1990 yet the license this claim appears to be based on, has a priority date of 7-14-1961. If your intention is to claim the elements of license 61-2142, it would be to your benefit to amend your claim to reflect the licensed priority date of 7-14-1961.

For your convenience, I am enclosing an amended claim. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim and submit it to all parties on the certificate of mailing (enclosed).

Sincerely,

Craig L Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure: Amended Notice of Claim for 61-2142
Copy of license 61-22142
Certificate of Mailing

*e-mail to
Saxton 9/8/09*

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 61-2142
Date Received: 7/20/2009
Receipt No:
Received By:

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

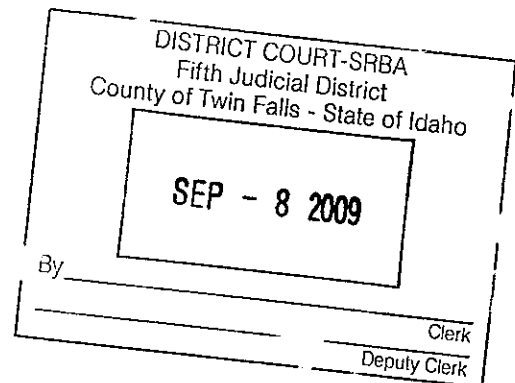
GLORIA G ZACHRY Phone: (208)587-4426

125 BRADFORD ST
MOUNTAIN HOME ID USA 83647

WILLIAM H ZACHRY Phone: (208)587-4426

125 BRADFORD ST
MOUNTAIN HOME ID USA 83647

2. Date of Priority: 07/14/1961
01/01/1990



3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	06E	26	SE SW	ELMORE	

5. Description of diverting works:

550-foot well. Increased from 410 feet in 1989.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.14	

7. Total Quantity Appropriated is:
0.14 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
03S	06E	26	SE	SW	DOMESTIC	

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Non-irrigation uses: 26 households/spaces.

Parcel No: Lot 5, Block 1, Cottonwood Subdivision.

Attachments: Withdrawal of Application for Permit and Cottonwood Subdivision Plat Map.

License shows Place of Use as ~~Airway-Trailer Court~~. COTTON WOOD R.V. PARK

15. Basis of Claim: ~~Beneficial Use License~~ *WJ*

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 Individuals:

I/We do solemnly swear or affirm by penalty of perjury that the statements contained in the foregoing document are true, and correct.

Signature of Claimant(s): William H. Zachry Date: 9/1/09
Gloria L. Zachry Date: 9-1-09

State of Idaho

License and Certificate of Water Right

Water License No. G-29948 Priority July 14, 1961 Amount 0.14 c.f.s.

THIS IS TO CERTIFY that EMIL STEGEMANN (AIRWAY TRAILER COURT) -Assignee A. M. Kreutzer of Mountain Home, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 14, 1961; that Permit No. G-29948 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.14 second feet, was issued thereunder on March 22, 1967, showing that said works were completed on the 18th day of July, 1966; and that on the 18th day of July, 1966, A. M. KREUTZER (AIRWAY TRAILER COURT) of Mountain Home, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well,

a tributary of subterranean flow for the purpose of domestic and commercial use, under Use Permit No. G-29948 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 14 of Licenses, at Page 8719, on the 22nd day of March, 1967.

The right hereby confirmed dates from July 14, 1961.

The Point of Diversion is located

in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 3S., R. 6E., B.M., Elmore County.

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 0.14 cubic feet per second.

Description and location of use:

Twp	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 S.	6 E.	26	SE $\frac{1}{4}$ SW $\frac{1}{4}$ For domestic and commercial use	None	None

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 22nd day of March, 1967.

R. Keith Higgins
State Reclamation Engineer.

CERTIFICATE OF MAILING

I certify that on July 21, 2009, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

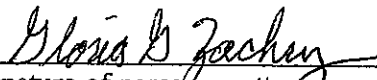
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

**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 61-2142

Date Received: _____

Receipt No: _____

Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) WILLIAM H. OR GLORIA G. ZACHRY Phone (208) 587-1232

Mailing Address 125 BRADFORD ST. MTN. HOME Id ZIP 83647
Street or Box City State

2. Date of Priority (Only one (1) per claim) JAN 1, 1990
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ☒ or Other ☒ (a) WELL
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 3 S, Range 6 E, Section 26,
SE, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of ELMORE

Parcel (PIN) no. LOT 5, BLOCK 1, COTTONWOOD SUBDIVISION (SEE PLAT MAP ATTACH)

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
Govt. Lot _____, BM., 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. 550 FOOT WELL. INCREASED FROM 40 FT
IN 1989.

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUL 22
105

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For DOMESTIC purposes from JAN 1 to DEC 31 amount .14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .14 (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.) 26 HOUSEHOLDS / SPACES

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 ^{1/4}				SE ^{1/4}				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>35</u>	<u>6E</u>	<u>26</u>												<u>D</u>					

Parcel (PIN) no(s). LOT 5 BLOCK 1 COTTONWOOD SUB. Total number of acres irrigated _____

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

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.

_____ or None (X)

13. Remarks: _____

Last Name _____ Identification 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 _____

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 notices 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: 2

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) William H. Zachary Date: 7/21/09
Gloria D. Zachary Date: 7-21-09

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 _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____

Idaho Department of Water Resources Receipt

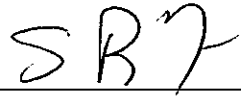
Receipt ID: C089562

Payment Amount	\$64.00	Date Received	11/10/09 9:39	Region	STATE
Payment Type	Check	Check Number	6275		
Payer	COTTONWOOD RV PARK / ZACHRY, WILLIAM H. / GLORIA G.				

Comments Subcase 61-02142 for William H. and Gloria G. Zachry

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$64.00	ADJUDICATION FILING FEE	0337		41503	1155



Signature Line (Department Representative)