

RECEIVED

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: 29-13914

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On July 13, 2009, Roger Sonpath, on behalf of the American Indian Sacred Society 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

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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:

AMERICAN INDIAN SACRED SOCIETY
C/O ROGER SUNPATH PE
2254 INKOM RD
PO BOX 462
INKOM, ID 83245
Phone: 208-775-3280

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

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ORDER

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FILE COPY FOR 00511

Deputy Clerk

Julie Murphy

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 29-13914

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) American Indian Sacred Society Phone (208-775-3280

Mailing Address PO BOX 462, TWIN FALLS, ID Zip 83245

2. Date of Priority: (Only one per claim) 2/14/77 Month/Day/Year

3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 7S, Range 36E, Section 22E
_____, 1/4 of NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of BANNOCK

Additional points of diversion if any: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

SUB MERSIBLE pump 1/2 HORSE

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For DOMESTIC purposes from 1/1 to 12/31 amount .04 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) DOMESTIC for 1 home + 1/2 ACRE

IRRIGATION

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10. Location of Place of Use is: Township 75, Range 36E, Section 22,
NE, 1/4 of SE, 1/4, Govt. Lot _____, BM.

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

11. Which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes () No (☒)
 If the 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.

None (☒) _____

14. Remarks: Property owned by a church: American Indian Sacred Society

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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

Signature of Claimant (s) Roger Lumpath PE Date: 7/9/09
 _____ Date: _____

For Organizations: I do solemnly swear or affirm that I am Presiding Elder Title
 of American Indian Sacred Society that I have signed the foregoing document in the space below as
Presiding Elder Organization of American Indian Sacred Society Organization
 Title

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

Signature of Authorized Agent Roger Lumpath PE Date 7/9/09
 Title and Organization American Indian Sacred Society

State of Idaho)
 County of Bonneville) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

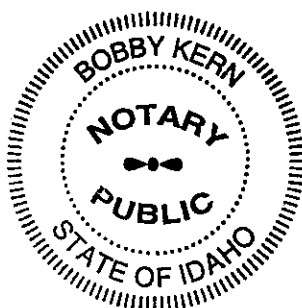
Subscribed and sworn (or affirmed) before me this 9th day of July 2009

Notary Public Bobby Kern

Residing at Idaho Falls

My commission Expires 9-12-2014

Seal



Last Name _____ Identification No. 29-13914

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of a monthly docket sheet may be obtained from any of the offices of the department; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the SRBA court's web site at www.srba.state.id.us/docket.htm. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department or the SRBA court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. You may also obtain copies of the notices of claims filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claims have been reviewed, the director will prepare and file a Director's report with the SRBA court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. Director reports will be prepared in each administrative basin within the Snake River Basin. When the report for your basin is filed with the court, you will be mailed a notice informing you that the report for your basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

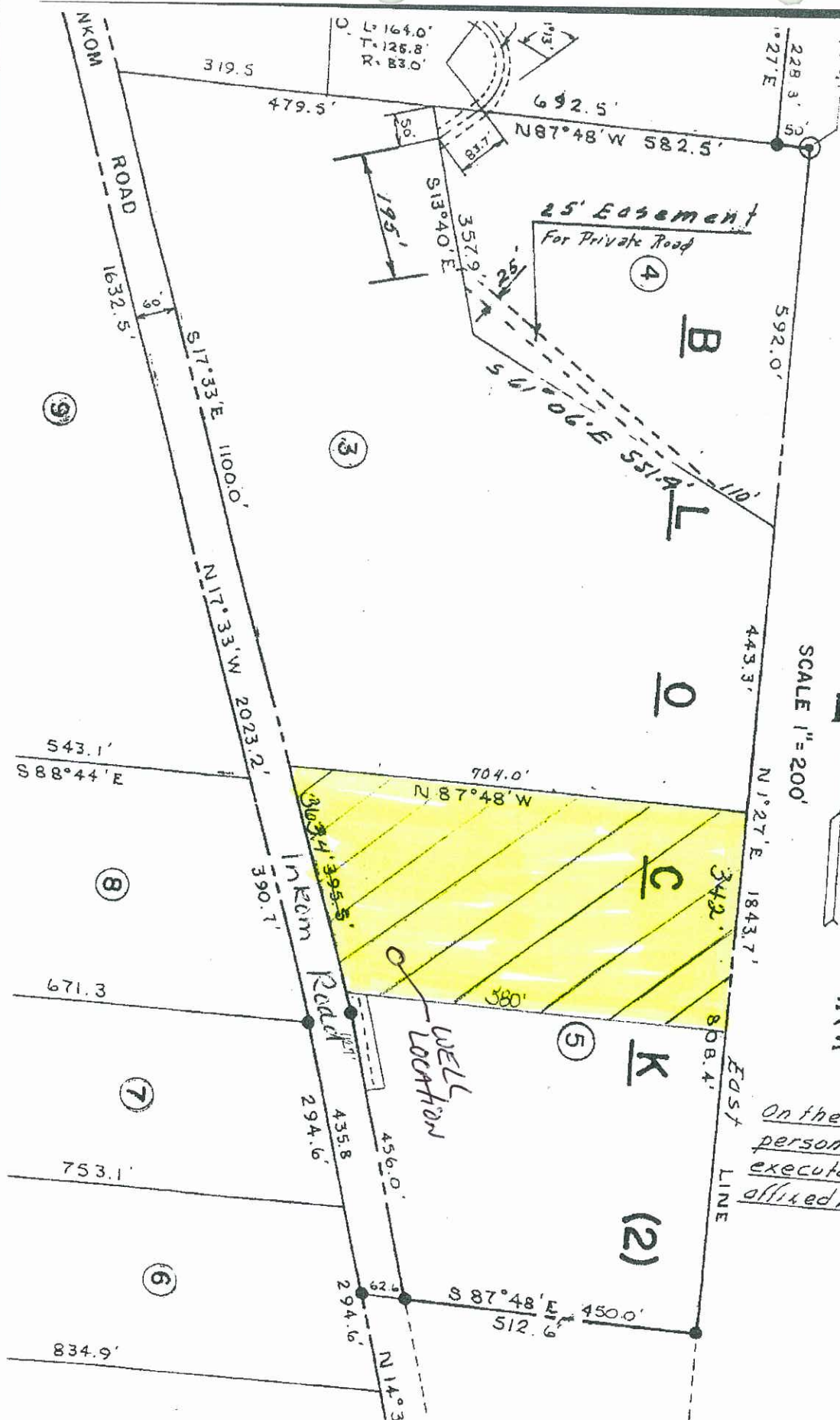
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NOV 16 2009

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. You may contact IDWR regional offices or the IDWR web site www.idwr.idaho.gov for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.



864.0 feet
 East line of
 or less to the
 18' W, 50 f.
 southerly R
 08' W, along
 11' W, 306.0
 to the east
 S 17° 33' E
 less to the e
 W along said
 point of beg
 Excepting th
 And it is the inter
 land in said Plot
 as shown and th
 ment shown is t
 In witness where

April
 s/ Norris M. Mur
 s/ Duane O. Lisi
 s/ Aronald T. Da
 s/ Robert L. Sh
 s/ Sam Lish
 s/ Karl Van Be
 s/ Ron B. Bozu
 s/ Jeffrey Web
 s/ J. T. Palm
 s/ Billy Joe Na
 s/ Kiley Hamlin
 s/ Patrick R. E.

SCALE 1" = 200'

On the 6th Day of April, 1973,
 personally appeared the fo
 executed the above certifica
 affixed my Official Seal this
RECORDER

Instrument Num
 Book 8
 Requested By
 Records of Ba
 — Tim Eric

31
20714101

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

OFFICIAL RECORD BK# 896
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 9 DEPUTY *ms*

FIRST AMERICAN TITLE

20714101

2007 JUN 14 A 11:59

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 213837-P (ts)

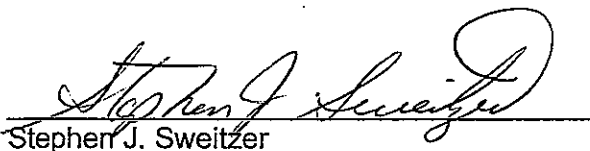
Date: June 08, 2007

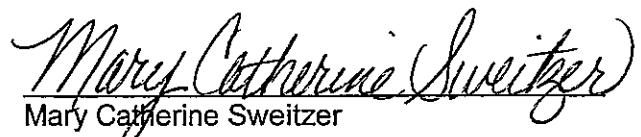
For Value Received, **Stephen J. Sweitzer and Mary Catherine Sweitzer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **The American Indian Sacred Society of the Four Directions, a Corporation Sole**, hereinafter called the Grantee, whose current address is **2254 Inkom Road, Inkom, ID 83245**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Stephen J. Sweitzer


Mary Catherine Sweitzer

STATE OF Idaho

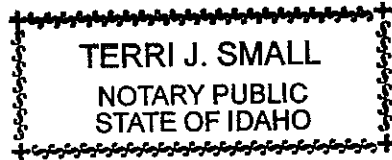
COUNTY OF Bannock

)
ss.
)

3-2

20714101

On this 12th day of June, 2007, before me, a Notary Public in and for said State, personally appeared **Stephen J. Sweitzer and Mary Catherine Sweitzer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



A handwritten signature in cursive script, reading "Terri J. Small", written over a horizontal line.

Notary Public for the State of Idaho
Residing at: Pocatello, ID
My Commission Expires: 4/28/2011

PARCEL 1:

THAT PORTION OF LOT 5, BLOCK 2, MURDOCK SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 8 OF PLAT, PAGE 45, RECORDS OF BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT SOUTH 87°48' EAST 704 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE THEREOF SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT; THENCE ALONG SAID WESTERLY LINE NORTH 17°33' WEST 363.4 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF SAID LOT SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY LINE, SOUTH 17°33' EAST 32.1 FEET; THENCE SOUTH 14°31' EAST 127.9; THENCE AT RIGHT ANGLES TO THE LAST MENTIONED LINE; THENCE NORTHEASTERLY 25 FEET; THENCE NORTH 14°31' WEST 150 FEET, MORE OR LESS, TO A POINT ON A LINE THAT BEARS SOUTH 87°48' EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 87°48' WEST 25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.