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FEB 18 2010

DEPARTMENT OF
WATER RESOURCES

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

FEB 17 2010

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

By

Clerk
Deputy Clerk

In Re SRBA

Subcase: 85-15724

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

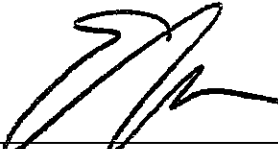
On November 25, 2009, James R. and Sandra J. Brodie filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 16, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections 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 February 17, 2010.


ERIC J. WILDMAN
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 February 17, 2010, with sufficient first-class postage to the following:

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

JAMES R BRODIE
SANDRA J BRODIE
34299 WINCHESTER GRADE
CULDESAC, ID 83524
Phone: 208-843-2082

ORDER

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FILE COPY FOR 00766

Deputy Clerk

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 85-15724Date Received: 2-18-2010Receipt No: C090032Received By: SR7 825-

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) James R. & Sandra J. Brodie Phone (208) 843-2082

Mailing Address 34299 Winchester Grade/Caldesac, Id. Zip 833524
Street or Box City State

2. Date of Priority: (Only one per claim) April 15, 1993
Month/Day/Year (YYYY)

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 35 North, Range 3 West, Section 25
NE, 1/4 of SW, 1/4 or Govt. Lot 22, BM., County of Nez Perce; Parcel (PIN) No. 254951 A

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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.

Well & Pump

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

For Domestic purposes from Jan 01 to Dec 31 amount .04 (cfs) or (AFA)

For Stock water purposes from Dec 01 to Aug 31 amount .02

7. Total Quantity claimed .06 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock)

1 household
5 mules

9. Location of Place of Use is: Township 35 North, Range 3 West, Section 25,NE, 1/4 of SW, 1/4, Govt. Lot 22, BM.; Parcel (PIN) No. RP35N03W254951Afor (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any N/A10. Which county (ies) are lands listed above as place of use located? Nez Perce11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

None () None

13. Remarks:

14. 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 _____

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 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: 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) X A. Brodie Date: 11-23-09X Sandra J Brodie Date: 11-23-09

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 _____

Please Print Name

16. 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 _____ Identification No. _____

Exhibit "A"

Real property in the County of Nez Perce, State of Idaho, described as follows:

A PARCEL OF LAND IN GOVERNMENT LOTS 22 AND 27, SECTION 25, TOWNSHIP 35 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, NEZ PERCE COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE SOUTH 0°04'51" EAST A DISTANCE OF 1,343.63 FEET ALONG THE EAST LINE OF SAID GOVERNMENT LOTS 22 AND 27 TO THE NORTHERLY RIGHT OF WAY LINE OF THE OLD NORTH AND SOUTH HIGHWAY, MARKED BY A REBAR ON THE ARC OF A 605.96 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 20°35'54" WEST; THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°12'58" A DISTANCE OF 393.60 FEET TO A REBAR ON A LINE 300.00 FEET WEST OF AND PARALLEL TO SAID EAST LINES OF GOVERNMENT LOTS 22 AND 27; THENCE NORTH 0°04'51" WEST A DISTANCE OF 1,141.00 FEET ON A LINE 300.00 FEET WEST OF AND PARALLEL TO SAID EAST LINES OF GOVERNMENT LOTS 22 AND 27, TO A REBAR ON THE CENTERLINE OF A DIRT ROAD; THENCE ALONG THE CENTERLINE OF SAID DIRT ROAD, NORTH 30°43'00" WEST A DISTANCE OF 790.00 FEET; THENCE NORTH 56°03'00" WEST A DISTANCE OF 30.00 FEET; THENCE NORTH 84°02'00" WEST A DISTANCE OF 60.00 FEET; THENCE NORTH 64°30'00" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 53°16'00" WEST A DISTANCE OF 60.00 FEET AND THENCE NORTH 47°00'00" WEST A DISTANCE OF 48.28 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE OLD NORTH AND SOUTH HIGHWAY, MARKED BY A REBAR ON THE ARC OF A 152.37 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 53°09'18" EAST; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 124°26'34" A DISTANCE OF 330.94 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE NORTH 0°09'54" WEST A DISTANCE OF 28.98 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 22, MARKED BY A REBAR; THENCE NORTH 89°54'26" EAST A DISTANCE OF 663.85 FEET ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 22 TO THE POINT OF BEGINNING.

UHLENKOTT PUMP SERVICE
WELLS - PUMPS & WATER SYSTEMS

RT. 1 BOX 36
GRANGEVILLE, IDAHO 83530
(208) 962-3279 / (208) 746-4555

PUMP ESTIMATE FOR:

DR. JAMES JOHNSON
THAIN ROAD
LEWISTON, IDA
PHONE 475-4283
~~273-5773~~

MAR 25, 1993

DEPTH 684 FEET
STATIC 582 FEET
CAPACITY 5 GPM

NO	ITEM	DESCRIPTION	L/PRICE	TOTAL
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** EQUIPMENT IN WELL **

1	GOULDS	5E515412 1 1/2 HP SINGLE PHASE 4.8 GPM @ 672' & OPEN DISCHARGE	\$878.50	\$878.50
1	GOULDS	10EJ05412 1/2 HP IN CISTERN	\$402.50	\$402.50
1	EZ SEAL	PUMP SPLICE	\$25.00	\$25.00
682	FEET	#8-4 FLAT PVC PUMP CABLE	\$1.00	\$682.00
672	FEET	1 INCH GALV DROP PIPE	\$1.44	\$967.68
1	DICKENS	1 INCH PITLESS ADAPTER (LDS-10)	\$45.80	\$45.80
1	BAKER	8 INCH WATER TIGHT WELL CAP	\$198.45	\$198.45
1	MISC	WELL FITTINGS	\$60.00	\$60.00
1	CEMENT	1250 GALLON CEMENT CISTERN	\$500.00	\$500.00
1	MISC	DELIVERY AND SET UP FEE	\$85.00	\$85.00
1	ELEC	ELECTRICAL PACKAGE	\$150.00	\$150.00
1	EZ SEAL	A/C DISCONNECT 30 AMP	\$40.00	\$40.00
1	SIMMONS	EXTRA FITTINGS AT CISTERN	\$43.75	\$43.75
100	FEET	DITCH PIPE 1 INCH POLY	\$0.74	\$73.50
1	MERRILL	3 FT BURY HYDRANT	\$43.75	\$43.75
2	TECNO	1 1/4 TECNOCHK VALVES	\$86.80	\$173.60
1	WELMATE	WM25W8 87 GALLON PRESSURE TANK	\$400.75	\$400.75
1	MISC	EXTRA FITTINGS IN DITCH	\$35.00	\$35.00
1	MISC	EXTRA FITTINGS AT PRESSURE TANK	\$78.75	\$78.75
100	FEET	DITCH WIRE & CONTROL WIRE	\$0.40	\$40.25
1	MISC	JUNIOR SUPER SINGLE FLOAT SWITCH	\$47.60	\$47.60

MATERIALS TOTAL

\$4971.88

3	HOURS	HOIST TIME	\$45.00	\$135.00
1	ESTIMATED	INSTALLATION TOTAL	\$726.00	\$726.00

NON TAXABLE TOTAL

\$861.00

IDAHO 5% SALES TAX
5 YR WARRANTY ON PUMP
FREIGHT ON PUMP

\$248.59
\$125.00
\$9.75

ESTIMATE TOTAL >>>>>>

\$6216.22

FINAL COST BASED ON ACTUAL MATERIALS USED.