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JUN 17 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 16 2010
By _____ 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: 85-15726

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 5, 2010, Wade and Michelle Kress, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 15, 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: June 16, 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 June 16, 2010, with sufficient first-class postage to the following:

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

MICHELLE KRESS
WADE KRESS
39700 WAHA RD
LEWISTON, ID 83501
Phone: 208-743-7538

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

CIVIL CASE NUMBER: 39576

Ident. Number 85-15726Date Received: 6-17-2010Receipt No: 091159 \$25-Received By: SR4

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

MAR - 5 2010

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

By _____ Clerk

Deputy Clerk

1. Name of Claimant(s) Wade + Michelle Kress Phone (208) 743-7538

Mailing Address 39700 Waha Rd Lewiston Id Zip 83501
Street or Box City State

2. Date of Priority: (Only one per claim) August 28th, 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 33N, Range 4 West, Section 5,
SW 1/4 of SE 1/4, or Govt. Lot _____ BM., County of Nez perce;
Parcel (PIN) no. RP33N04W058400

Additional points of diversion if any: None

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 1128 feet deep
+ 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 1 to Dec 31 amount .04 cfs
Month/Day Month/Day cfs ☐ or AFY ☐

For Livestock purposes from Jan 1 to Dec 31 amount .02 cfs

7. Total Quantity claimed .06 cfs ☒ or AFY ☐

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

Stockwater and Number of livestock) 25 head Livestock

Main house domestic/irrigation and also rental house on property /domestic.

RP33N04W058400 13.0

9. Location of Place of Use is: Township 33 North, Range 4 West, Section 8, Northeast Quarter

NE 1/4 of NE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. RP33N04W080600 0
If different than shown in Item 4

for (Check One) Domestic ☐ Stock ☐ Domestic and Stock ☒

Additional places of use, if any RP33N04W Section 5 SE SE

10. In which county (ies) are lands listed above as place of use located? RP33N04W058400, 33 N Range 4W Section 8 - NW NE, NEZ perce

11. 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 ☒

13. Remarks: There are (4) parcels that we use water on
RP33N04W080600, RP33N04W058600
RP33N04W080751, RP33N04W058400

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 notice in the Snake River Basin Adjudication." (b.) I/We do ☐ wish to receive (do not ☒) 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) Michelle Kress Date: 2/24/10
Wade M Kress Date: 2/24/10

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. _____

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.

RECEIVED
JAN 12 1994

1. WELL OWNER Name <u>21 Ranch, Inc</u> Address <u>7570 Waba RD, Lewistown,</u> Drilling Permit No. <u>85-92-N-21-000</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>950</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>55</u> °F. Quality <u>Good</u> <i>Describe artesian or temperature zones below.</i>																																																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>20</u></td> <td><u>1128</u></td> <td><u>2</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>20</u>	<u>1128</u>	<u>2</u>																																																																												
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3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <u>89827</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>10</u></td> <td><u>0</u></td> <td><u>6</u></td> <td><u>Over Burden</u></td> <td> </td> </tr> <tr> <td><u>10 1/2</u></td> <td><u>6</u></td> <td><u>90</u></td> <td><u>Basalt</u></td> <td> </td> </tr> <tr> <td><u>8</u></td> <td><u>90</u></td> <td><u>230</u></td> <td><u>Coarse Clay + Shale</u></td> <td> </td> </tr> <tr> <td><u>6 1/2</u></td> <td><u>230</u></td> <td><u>250</u></td> <td><u>Lava</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>250</u></td> <td><u>300</u></td> <td><u>Shale</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>300</u></td> <td><u>510</u></td> <td><u>Lava</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>500</u></td> <td><u>700</u></td> <td><u>Basalt</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>700</u></td> <td><u>750</u></td> <td><u>Red Cracks</u></td> <td> </td> </tr> <tr> <td><u>8</u></td> <td><u>750</u></td> <td><u>850</u></td> <td><u>Hard Basalt</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>850</u></td> <td><u>900</u></td> <td><u>Red Cracks</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>900</u></td> <td><u>1000</u></td> <td><u>Hard Basalt</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>1000</u></td> <td><u>1020</u></td> <td><u>Red Cracks</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>1020</u></td> <td><u>1080</u></td> <td><u>Hard Basalt</u></td> <td> </td> </tr> <tr> <td><u>6</u></td> <td><u>1080</u></td> <td><u>1100</u></td> <td><u>Red Cracks</u></td> <td>☒</td> </tr> <tr> <td><u>6</u></td> <td><u>1100</u></td> <td><u>1128</u></td> <td><u>Hard Basalt</u></td> <td> </td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water Yes No	From	To	<u>10</u>	<u>0</u>	<u>6</u>	<u>Over Burden</u>		<u>10 1/2</u>	<u>6</u>	<u>90</u>	<u>Basalt</u>		<u>8</u>	<u>90</u>	<u>230</u>	<u>Coarse Clay + Shale</u>		<u>6 1/2</u>	<u>230</u>	<u>250</u>	<u>Lava</u>		<u>6</u>	<u>250</u>	<u>300</u>	<u>Shale</u>		<u>6</u>	<u>300</u>	<u>510</u>	<u>Lava</u>		<u>6</u>	<u>500</u>	<u>700</u>	<u>Basalt</u>		<u>6</u>	<u>700</u>	<u>750</u>	<u>Red Cracks</u>		<u>8</u>	<u>750</u>	<u>850</u>	<u>Hard Basalt</u>		<u>6</u>	<u>850</u>	<u>900</u>	<u>Red Cracks</u>		<u>6</u>	<u>900</u>	<u>1000</u>	<u>Hard Basalt</u>		<u>6</u>	<u>1000</u>	<u>1020</u>	<u>Red Cracks</u>		<u>6</u>	<u>1020</u>	<u>1080</u>	<u>Hard Basalt</u>		<u>6</u>	<u>1080</u>	<u>1100</u>	<u>Red Cracks</u>	☒	<u>6</u>	<u>1100</u>	<u>1128</u>	<u>Hard Basalt</u>	
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started <u>8/2/93</u> finished <u>9/2/93</u>																																																																																		
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☒ Other <u>4" PUL</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>.251</u> inches</td> <td><u>9</u> inches</td> <td><u>1</u> feet</td> <td><u>19</u> feet</td> </tr> <tr> <td><u>.250</u> inches</td> <td><u>6</u> inches</td> <td><u>1.2</u> feet</td> <td><u>233</u> feet</td> </tr> <tr> <td><u>.250</u> inches</td> <td><u>4</u> inches</td> <td><u>1.2</u> feet</td> <td><u>1100</u> feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☒ Gun Size of perforation <u>.250</u> inches by <u>7</u> inches <u>56.1</u> S.W.P. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>60</u> perforations</td> <td><u>1100</u> feet</td> <td><u>1040</u> feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☒ Solvent Weld ☐ Cemented between strata Describe access port <u>Well Seal CAN</u> <u>BE REMOVED</u>	Thickness	Diameter	From	To	<u>.251</u> inches	<u>9</u> inches	<u>1</u> feet	<u>19</u> feet	<u>.250</u> inches	<u>6</u> inches	<u>1.2</u> feet	<u>233</u> feet	<u>.250</u> inches	<u>4</u> inches	<u>1.2</u> feet	<u>1100</u> feet	Number	From	To	<u>60</u> perforations	<u>1100</u> feet	<u>1040</u> feet							11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>GIANS WELL DRILLING, INC.</u> Firm No. <u>103</u> Address <u>RT. 2 BOX 615</u> Date <u>9/4/93</u> Signed by (Firm Official) <u>G.R. Burns</u> and (Operator) <u>Scott D. Olson</u>																																																						
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>West Pole</u> <u>SE</u> 1/4 <u>SW</u> 1/4 Sec. <u>5</u> T. <u>33</u> S. R. <u>4</u> W. <u>4</u>	10. Work started <u>8/2/93</u> finished <u>9/2/93</u>																																																																																		

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT