

RECEIVED

JUL 23 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 2010	
By _____	Clerk
_____	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: 63-33345

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE/AMENDED NOTICE OF CLAIM

On April 15, 2010, the City of Greenleaf, by and through counsel, Carl J. Withroe, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 20, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late *Notice of Claim*. However, at the hearing, the claimant notified the Court of a clerical error in the *Notice of Claim* pertaining to the source element. Specifically, the source identified in the Notice of Claim as the "West End Drain" should have been identified as the "East End Drain". At hearing, the Court conditionally granted the *Motion to File Late Notice of Claim* with the condition the claimant file and serve an *Amended Notice of Late Claim* that corrects the clerical error presently existing in the late *Notice of Claim*. On July 22, 2010, claimant did file a *Motion to File Amended Notice of Claim* and an *Amended Notice of Claim to a Water Right* correcting the clerical error.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late/Amended Notice of Claim* for the above-captioned water right are **granted**.

The original *Notice of Claim*, the *Amended 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: July 22, 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\AMENDED NOTICE OF CLAIM was mailed on July 22, 2010, with sufficient first-class postage to the following:

CITY OF GREENLEAF

Represented by:

CARL J WITHROE

950 W BANNOCK ST STE 520

BOISE, ID 83702

Phone: 208-331-1800

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SPF WATER ENGINEERING LLC

300 E MALLARD DR STE 350

BOISE, ID 83706

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: 63-33345

Date Received:

Receipt No:

Received By:

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

City of Greenleaf
c/o City Clerk
20253 N. Whittier Dr.
Greenleaf, ID 83626

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 22 2010	
By _____	Clerk
	Deputy Clerk

Phone: (208)454-0552

2. Date of Priority: March 1, 1956

3. Source: **West End Drain**

Trib. to: Boise River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
4N	4W	16	NE SE		Canyon	

5. Description of diverting works:

Pump, Ditch, Gravity and Sprinkler Irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	0.60	

7. Total Quantity Appropriated is:

0.60 cfs

8. Total consumptive use:

ORIGINAL

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	4W	16													30				30

11. Place of use in counties: Canyon

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

13. Other Water Rights Used: None

14. Remarks: This claim is a duplicate of claim 63-21542 that was filed timely by the Turners, who then sold the property. Subsequent owners failed to respond to Department inquiries for proof of beneficial use. Consequently, claim 63-21542 was disallowed.

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 the City Attorney of
Title
the City of Greenleaf, that I have signed the foregoing
Organization
document in the space below as the City Attorney of
Title
the City of Greenleaf and that the statements contained in the
Organization
foregoing document are true and correct.

Carl T. Hume
Signature of Authorized Agent

City Attorney, City of Greenleaf
Title and Organization

July 21, 2010
Date

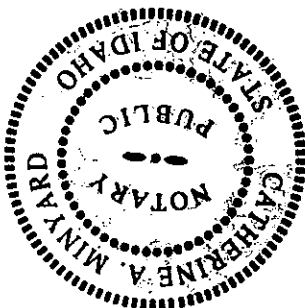
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st of July 2010

Catherine G. Minyard
Notary Public

Residing at Nampa, ID

My commission Expires 04/15/2016



INSTRUMENT NO. 2010014450

IN THE MATTER OF: Civil Case 39576)
Snake River Basin Adjudication)
Evidence of Priority)
State of Idaho)
County of Canyon)

AFFADAVIT

I, John L. Turner and Joyce B. Turner, being the past owners of a parcel of land locate north of the City of Greenleaf and fronting Peckham Road, then described as the E 1/2 SE 1/4 Section 16, T4N, R4W, Boise Meridian, Canyon County, Idaho, had owned and farmed the parcel from the 1950's through the 1990's. Starting in 1956 and throughout the time we owned and farmed the above described parcel, the approximate 30 acres north of the West End Drain ("Drain") (aka Renshaw Drain) was irrigated with surface water diverted from the Drain. The surface water was diverted from the Drain by pumping the water from the Drain and into concrete and earthen ditches. The water was then applied to the 30 acres north of the drain using gravity, flood type irrigation and sprinklers.

REQUEST Shirley M.
TYPE MAAC FEE ---

2010014450

John L. Turner
(Signature)
Joyce B. Turner
(Signature)

WILLIAM H. HURST
CANYON CNTY RECORDER
BY Joanna Brown

2010 MAR 30 PM 2 29

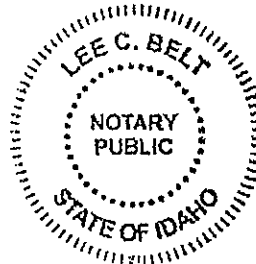
RECORDED

Scribed and sworn before me this 30th day of March, 2010.

Lee C. Belt
Signature of Notary

Residing at Greenleaf, Idaho

My Commission Expires 10-21-2010



2007 Photo

8

9

10

T4N R4W

17

16

15

West End Drain

20

21

22

Legend



Point of Diversion



Place of Use



Sections

Claim 63-33345
City of Greenleaf



0 625 1,250
Feet



SPF WATER
ENGINEERING

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
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APR 15 2010

By _____
Deputy Clerk

Phone: (208)454-0552

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Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Mayor Bradley Holton of
City of Greenleaf, that I have signed the foregoing
document in the space below as Mayor of
City of Greenleaf and that the statements contained in the
foregoing document are true and correct.

Bradley Holton
Signature of Authorized Agent
Mayor City of Greenleaf
Title and Organization
4/6/2010
Date

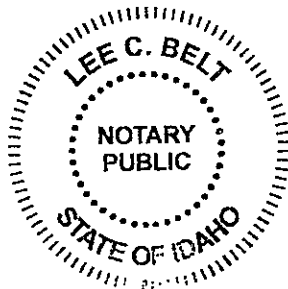
State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 06th of APRIL 2010

[Signature]
Notary Public

Residing at Greenleaf, Idaho

My commission Expires 10-29-2010



2007 Photo

8

9

10

T4N R4W

17

16

15

West End Drain

20

21

22

Legend



Point of Diversion



Place of Use



Sections

Claim 63-33345
City of Greenleaf



0 625 1,250
Feet



SPF WATER
ENGINEERING