

RECEIVED

FEB 28 2011

DEPARTMENT OF
WATER RESOURCES

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

FEB 25 2011

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: 41-04009

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On December 2, 2009, John and Jackie Kildew filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on March 24, 2010. No party appeared in opposition to the *Motion to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On February 24, 2011, Special Master Terrence A. Dolan issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

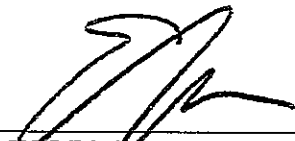
THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

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 25, 2011.



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 25, 2011, with sufficient first-class postage to the following:

JACQUELINE KILDEW

JOHN KILDEW

Represented by:

KIM R KILDEW

410 S ORCHARD, STE 176

BOISE, ID 83705

Phone: 208-344-1096

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098


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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 41-4009
Date Received: 5/6/2009 \$154.60
Receipt No: C092501
Received By: SAR 2/28/2011

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - 3RD
TWIN FALLS CO., IDAHO
FILED
2009 DEC 2 AM 10 15

1. Name of Claimant(s)

JOHN KILDEW Phone: (208)548-2396

PO BOX 333
AMERICAN FALLS ID USA 83211

JACQUELINE KILDEW Phone: (208)548-2396

PO BOX 333
AMERICAN FALLS ID USA 83211

2. Date of Priority: 04/01/1963

3. Source: ROCK CREEK , ROCK CREEK Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	30E	9	SE SE	POWER	
09S	30E	16	NE NE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	30E	9	SE	SW	IRRIGATION	0.8
			SW	SE	IRRIGATION	4.5
			SE	SE	IRRIGATION	3.2
			Section Acres		8.5	
09S	30E	16	NE	NE	IRRIGATION	19
			NW	NE	IRRIGATION	23
			NE	NW	IRRIGATION	4.1
			Section Acres		46.1	
Total Acres						54.6

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

41-41B

14. Remarks:

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 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):

John F. Dorn
Jacqueline Kildus

Date:

11-23-09

Date:

11-23-09

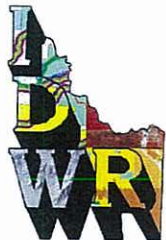
17. Signature(s)

18. Name of County Association

19. Address

41-4009

05/07/2009

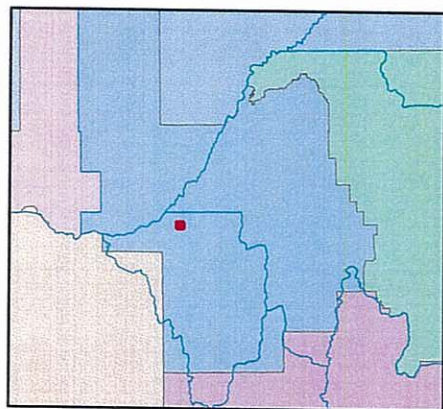


Idaho Department of Water Resources

Adjudication Claim
41-4009
(IRRIGATION)

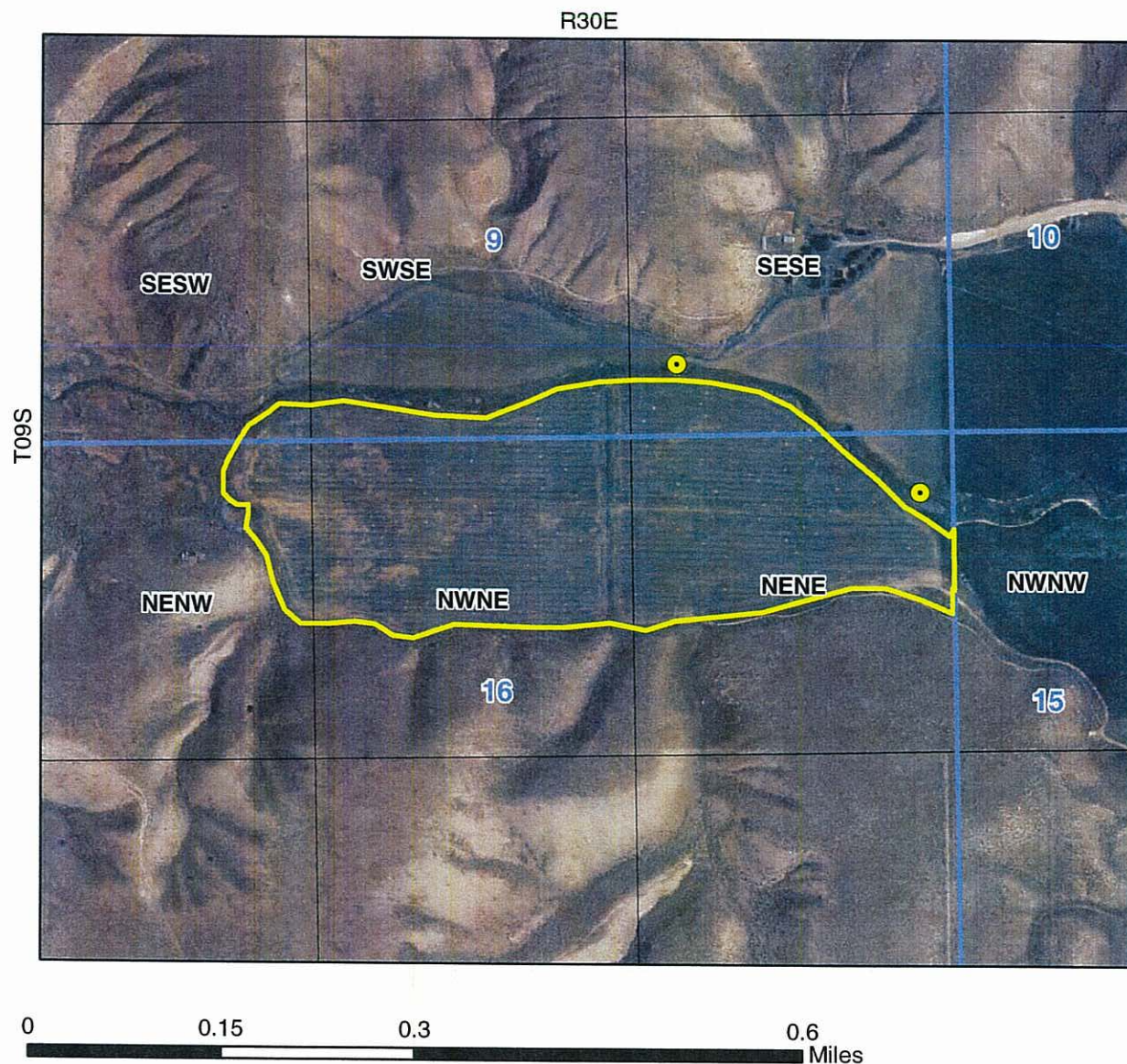
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Power County
IDWR Basin 41

Prepared by Craig Saxton
On May 07, 2009
2004 Aerial Photography



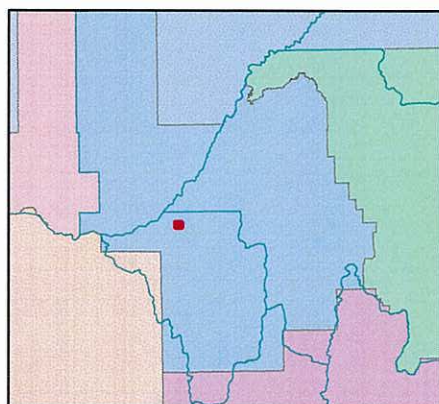


Idaho Department of Water Resources

Adjudication Claim
41-4009
(IRRIGATION)

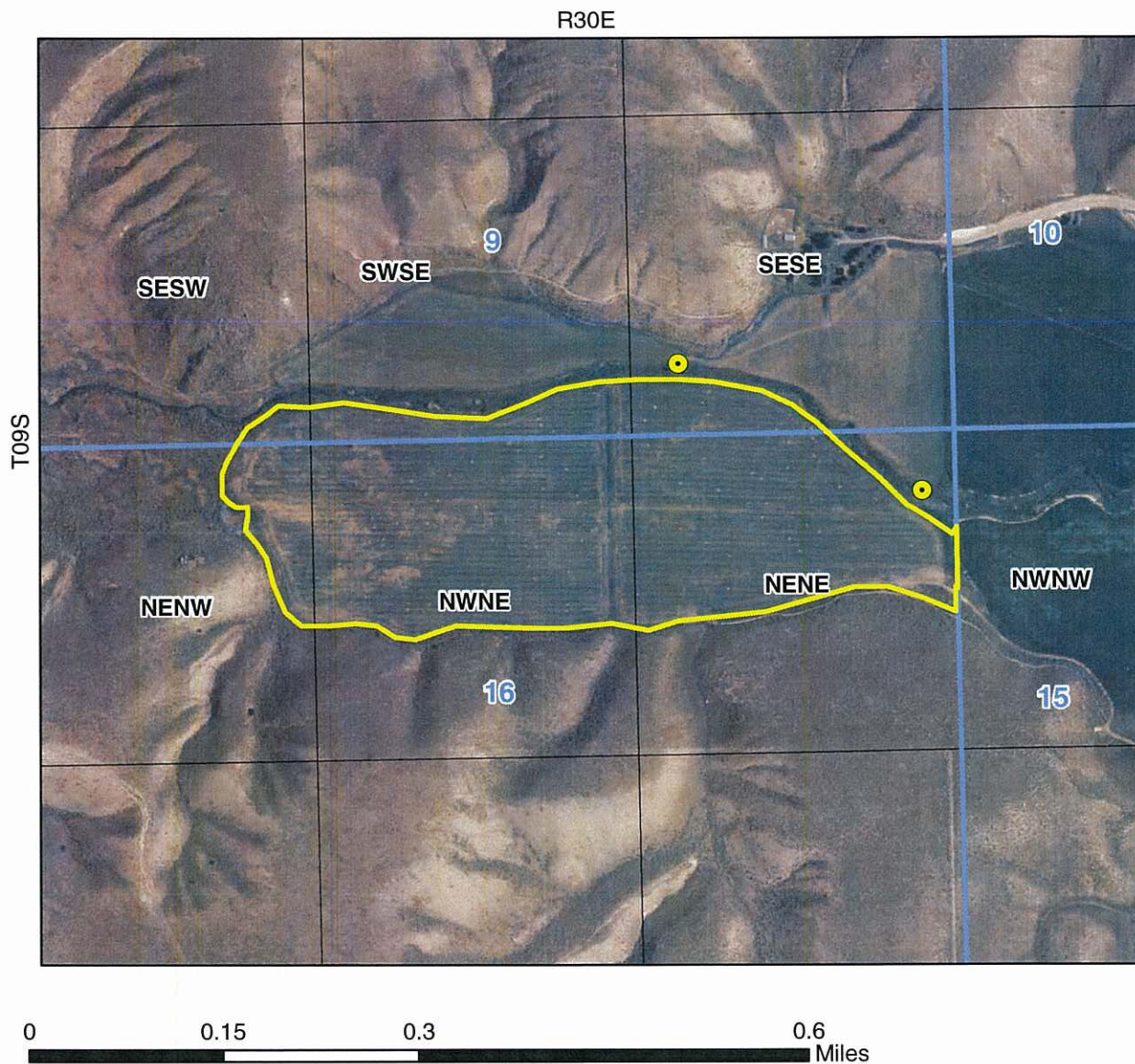
Legend

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- Quarter Quarters



Power County
IDWR Basin 41

Prepared by Craig Saxton
On May 07, 2009
2004 Aerial Photography



Idaho Power Company
POWER LINE EASEMENT

John Kildew

Jackie Kildew

his wife, Grantor(s), of Power County, State of Idaho, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its licensees, successors and assigns, Grantee, for the full and other valuable considerations, receipt of which is hereby acknowledged, a right of way and easement for the creation and continued operation, maintenance, repair, alteration, inspection and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to poles or other supports, together with guys, crossarms and other attachments and incidental equipment thereon, and appurtenances, with the right to permit the attachment of the wires and fixtures of other companies or utilities, over, on and across the following premises, belonging to the said Grantor(s) in Power County, State of Idaho, in the following location, to-wit:

NE 1/4 Section 16, Twp. 9-S, Rge. 30-E BM Power County

Together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

Executed and delivered this 16 day of June, 1965

Walter Smith

John Kildew
Jackie Kildew

STATE OF Idaho

County of Power

On this 16th day of June, 1965, before me, M. D. Arnes, a Notary Public, personally appeared John Kildew and Jackie Kildew, known to me to be the persons who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the use and purposes therein mentioned.

(Notarial Seal)

Notary Public, residing at Pocatello, Idaho
Commission expires Dec. 31, 1967

9/7/65
88222

42-962-227

Idaho Power Company
POWER LINE EASEMENT

John Kildew

and Jackie Kildew

his wife, Grantor(s), of _____ Power _____ County, State of _____ Idaho do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to poles or other supports, together with guy, crossarms and other attachments and incidental equipment thereon and appurtenances, with the right to permit the attachment of the wires and fixtures of other companies or parties, over, on and across the following premises, belonging to the said Grantor(s) in _____ Power _____ County, State of _____ Idaho, in the following location, to-wit:

SE 1/4 Section 9, Twp. 9-S, Rgs. 30E-4M, Power County

SE 1/4 SE 1/4 89

Together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of the easement and the operation, maintenance and repair of Grantee's electrical system.

Executed and delivered this 16 day of June 1955

John Kildew

Jackie Kildew

STATE OF Idaho

County of Power

On this 16th day of June 1955 before me, W. D. Arms, a Notary Public, personally appeared John Kildew and Jackie Kildew, known to me to be the person(s) who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

(Notarial Seal)

Notary Public, residing at Pocatello, Idaho
Commission expires Dec 30 1956

Instrument No. 81221

State of Idaho, ss.

County of Power

I hereby
certify that this instrument was filed
for record at the request of

Idaho Power Co.

Filed at 25 On 1 day past

2 o'clock P. M. this 1st

day of Sept. 19 45 and record-

ed in 92 at 85001

at Power in Shower

Idaho Idaho

By 808 Recorder

Deputy

instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

(Notarial Seal)

W. D. GILLIS, Notary Public, residing
at Boise, Idaho.
Commission expires April 1st, 1943.

Recorded at the request of Idaho Power Co. at 9:18 o'clock A.M. this 30th day of July, 1941, in Book 28 of Misc. at page 242. Fee 60¢

H. C. ALLEN, Recorder.

By Hazel Stuart, Deputy

COMPARED

Instrument No. 58892 INDEXED POWER LINE EASEMENT

A. G. Draper and Nina Draper, his wife, Grantor(s) of Rockland in Power County, Idaho, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its successors and assigns, Grantee, for One and no/100 Dollar (\$1.00) and other valuable considerations, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection, relocation and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to a line of poles or other supports, together with guys, stubs, crossarms and other attachments and incidental equipment thereon, and appurtenances, over, on and across the following premises, belonging to the said Grantor(s) in POWER County, Idaho, in the location more particularly described as follows, to-wit:

The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nine (9), Township Nine (9) South, Range Thirty (30) East of the Boise Meridian.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

Executed and delivered this Seventh day of January, 1941.

WITNESS: J. A. EDWARDS

A. G. DRAPER

NINA DRAPER

STATE OF IDAHO,

County of POWER,

On this 23rd day of April, in the year 1941, before me, H. R. West, a Notary Public, personally appeared Andrew G. Draper and Nina Draper, known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

(Notarial Seal)

H. R. WEST, Notary Public, residing at
Pocatello, Idaho.
Commission expires October 20th, 1942.

Recorded at the request of Idaho Power Co. at 9:20 o'clock A.M. this 30th day of July, 1941, in Book 28 of Misc. at page 243. Fee 60¢

H. C. ALLEN, Recorder.

By Hazel Stuart, Deputy