

RECEIVED
SEP 27 2011
DEPARTMENT OF
WATER RESOURCES

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

SEP 26 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: 25-07089

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

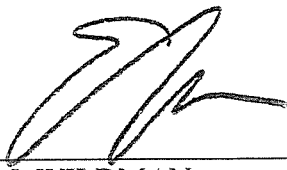
On June 24, 2011, Cottonwood Acres Domestic Well, Inc., by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 26, 2011. This *Motion* complied with all procedural requirements under *SRBA 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: September 26, 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 September 26, 2011, with sufficient first-class postage to the following:

COTTONWOOD ACRES DOMESTIC

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

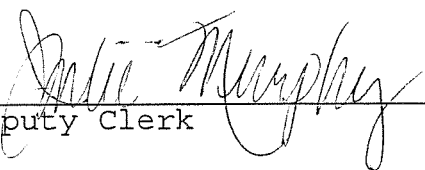
IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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 25-7089Date Received 9/27/2011 389Receipt Number 6094028 P122-

RECEIVED
SEP 27 2011
DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Cottonwood Acres Domestic Well, Inc. Phone _____

Mailing Address c/o Kathy Taylor, 9488 N. Cottonwood Dr., Idaho Falls, Idaho Zip 83401

2. Date of Priority (Only (1) per claim) February 10, 1975

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4.a. Location of existing point of diversion is:
Township 3N Range 38E Section 22, _____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____,
County of _____
Parcel (PIN) No. _____

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M.,
County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M.,
County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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 and pump and 250 gallon storage pressure tank.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount .04cfs or 7.0 AF

For Domestic purposes from 1/1 to 12/31 amount .18cfs or 9.0 AF

7. Total quantity claimed (a) .22 (cfs) and/or (b) 16 (acre feet)

Last Name _____ Ident. Number _____

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use is for 15 homes.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	38E	22					2.0												2.0

Parcel (PIN) No(s). _____

Total number of acres irrigated 2.0

10. In which county(ies) are lands listed above as place of use located? Bonneville

11. Do you own the property listed above as place of use? Yes___ No ☒

If your 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. The Claimant operates the water system for use on lots owned by individuals. or None ()

13. Remarks: _____

14. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree _____
License ☒ If applicable provide IDWR Water Right Number 25-7089
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney of
(Title)

Last Name _____ Ident. Number _____

Cottonwood Acres Domestic Well, Inc., that I have signed the foregoing document in the space below as
(Organization)
the attorney of Cottonwood Acres Domestic Well, Inc., and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

Signature of Authorized Agent Robert L. Harris

Title and Organization Attorney, Cottonwood Acres Domestic Well, Inc. Date June 23, 2011

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, 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 Robert L. Harris
Address Holden, Kidwell, Hahn & Crapo, P.L.L.C.
PO Box 50130, Idaho Falls, ID 83405-0130
Date June 23, 2011

BONNEVILLE COUNTY, IDAHO
A PORTION OF *NE 1/4 NW 1/4*
SEC 22 T3N R38 EBM

S. 1° 25' 20" W
480 15

1402.20
EAST

POINT OF DIVERSION

COTTONWOOD ACRES DIV 1

WEST	837.93
------	--------

PLACE
OF
USE

BLOCK

COTTONWOOD — CIRCLE

COTTONWOOD DRIVE
S. 1° 33' 30" W. 617.12

COTTONWOOD
S. 1° 33' 30" W.

$$\Delta = 26^{\circ}55'30''$$
$$\Delta = 26.247$$

U.S. 29.7

24

W. 89° 06' 54" W.

499.88

25

U. 87° 31' 32" W.

454.07

26

...

435.24

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

IDAHO TITLE & TRUST CO
Idaho Falls, Idaho

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

JUL 17 1969

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07089

Priority: February 10, 1976 Maximum Diversion Rate: 0.22 CFS
Maximum Diversion Volume:¹ 16.0 AF

This is to certify, that DON H. BINGHAM

P.O. BOX 445

UCON, ID 83454

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 10, 1976; and has submitted Proof of Beneficial Use on January 5, 1981. An examination indicates that the works have a diversion capacity of .360 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.18 CFS	9.0 AF
	Totals	0.22 CFS	16.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW, Sec. 22, Township 03N, Range 38E
BONNEVILLE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 38E 22	NENW 2			2

Total number of acres irrigated: 2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 15 homes.

MICROFILMED

JUL 17 1989

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07089

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5TH
day of June, 1989.

Acting for R. Keith Higginson, Director

MICROFILMED
JUL 17 1989