

RECEIVED

DEC 30 2011

DEPARTMENT OF
WATER RESOURCES

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

DEC 29 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

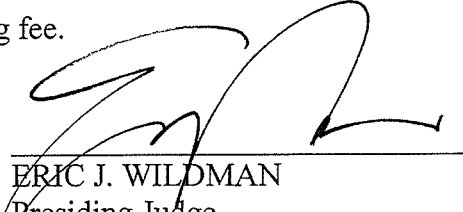
Case No. 39576

) WATER RIGHT NO: 25-07353
)
) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM
)
)
)
)
)

On July 18, 2011, Allan and Matilda Kolbet (collectively "Claimants") filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on December 20, 2011. No party appeared in opposition to the *Motion*. At the hearing, the Court noted that its file did not contain any record establishing the appropriate filing fee for the *Motion* was paid by Claimants. Following the hearing, the Clerk of the Court confirmed with the Idaho Department of Water Resources that the appropriate filing fee for the *Motion* has not been paid. Following a review of the file and after hearing the comments made in open court, the Court finds that the above-captioned water right claim meets the criteria for a deferrable stockwater right and that good cause exists for granting the instant *Motion*, provided that Claimants first submit the appropriate filing fee to the Idaho Department of Water Resources.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **conditionally granted** subject to Claimants first submitting the appropriate filing fee to the Idaho Department of Water Resources to account for the late claim filing fee.

Dated December 29, 2011.

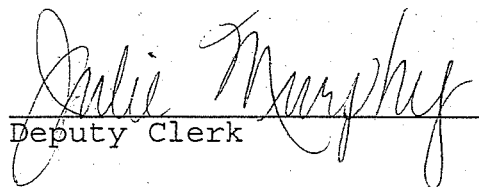

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL GRANTING LATE NOTICE OF CLAIM was mailed on December 29, 2011, with sufficient first-class postage to the following:

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

ALLAN KOLBET
MATILDA KOLBET
1254 SOUTH SKYLINE DR
IDAHO FALLS, ID 83402
Phone: 208-522-4182

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" and last name "Murphy" clearly distinguishable.

Sub Case#: 25 07353
File#: 256

KOLBET, ALLAN
Sub Case Notes

DURING THE LATE CLAIM HEARING HELD ON 12/20/11, THERE WAS A QUESTION AS TO WHETHER OR NOT A CLAIM FEE FOR THIS RIGHT HAD BEEN PAID DIRECTLY TO IDWR. ON 12/21/11, I SPOKE WITH JONIE BARG AT THE EASTERN OFFICE OF IDWR. SHE STATED THAT NO LATE CLAIM FEE FOR THIS RIGHT HAD BEEN RECEIVED BY THAT OFFICE, HOWEVER, SHE DID VERIFY THAT ON 7/14/11, A FEE OF \$200. HAD BEEN PAID TO THEIR OFFICE, BY KOLBET FARMS, FOR AN APPLICATION FOR PERMIT. I ALSO VERIFIED WITH CRAIG SAXTON, IDWR IN BOISE, THAT NO LATE CLAIM FEE HAS BEEN RECEIVED BY THEIR OFFICE. JMURPHY

F1=Exit

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

County of Twin Falls - State of Idaho

JUL 18 2011

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

CIVIL CASE NUMBER: 39576

Ident. Number 25-7353

Date Received: _____

Receipt No: _____

Received By: _____

By [Signature] Clerk

1. Name of Claimant(s) Allan and Matilda Kolbet Phone (208) 522-4182

Mailing Address 1254 South Skyline Drive Idaho Falls ID Zip 83,402
Street or Box City State

2. Date of Priority: (Only one per claim) 06/21/1983
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 03S, Range 43E, Section 7,
SE 1/4 of SW 1/4, or Govt. Lot _____ BM., County of BONNEVILLE;

Parcel (PIN) no. _____

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, and lines to two troughs.

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

For Stockwater purposes from 5/20 to 11/20 amount 0.05/1.0afy
Month/Day Month/Day cfs ☒ or AFY ☐

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.05/ 1.0 af cfs ☒ or AFY ☐

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

Stockwater and Number of livestock) 150 cattle on North trough and 100 cattle on South trough.

9. Location of Place of Use is: Township 03S, Range 43E, Section 7,
SE 1/4 of SW 1/4, Govt. Lot _____ BM. Parcel (PIN) no. _____
If different than shown in Item 4

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

Additional places of use, if any T03S R43E SEC 18 NENW

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 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:

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 25-7353

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: 8

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) Matthew Kolbet Date: 7-15-11

Allan E. Kolbet Date: 7-15-2011

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. _____