

RECEIVED

JAN 19 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 18 2012	
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: 29-00490A
	)	(Formerly numbered 29-490)
Case No. 39576	)	
	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM
_____	)	

On October 27, 2011, Paul and Susan Katsilometes, by and through counsel, Luke Marchant, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 17, 2012. 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: January 18, 2012.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

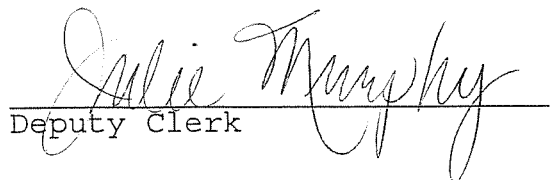
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 18, 2012, with sufficient first-class postage to the following:

PAUL KATSILOMETES
SUSAN KATSILOMETES

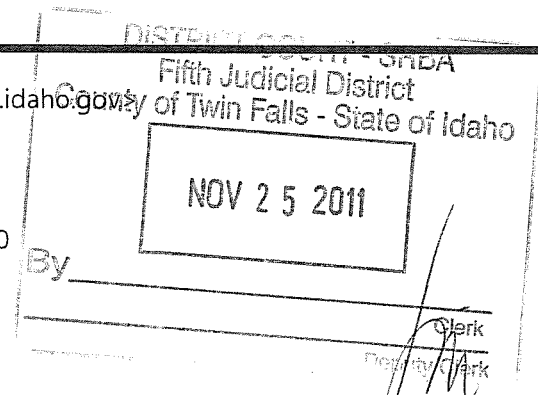
Represented by:
LUKE H MARCHANT
HOLDEN KIDWELL HAHN & CRAPO
1000 RIVERWALK DR STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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. The signature is fluid and extends slightly above and below the line.

Julie Murphy

From: Fritschle, Carter <Carter.Fritschle@idwr.idaho.gov>
Sent: Friday, November 25, 2011 1:27 PM
To: Julie Murphy
Cc: Bromley, Chris; Williams, Ray
Subject: Two Late Claims for Water Right 29-490



Hi Julie,

A late claim for water right 29-490 was prepared for Tom Katsilometes in September, and he stopped by IDWR this morning and hand delivered IDWR's copy of the late claim prior to mailing the original to the SRBA Court.

When Sally received Tom's late claim, she noticed that the Court had received another late claim for water right 29-490 on October 27, 2011. The claim received in October lists Paul and Susan Katsilometes as the claimants. Since the two late claims for water right 29-490 are for different places of use, IDWR will renumber the late claim submitted by Paul and Susan Katsilometes to 29-490A, and the late claim submitted by Tom Katsilometes to 29-490B.

Carter

**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

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

CIVIL CASE NUMBER: 39576

Ident. Number 29-490
Date Received 09/24/56
Receipt Number 009456
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 27 2011
By _____ Clerk
Phone (208) 232-2616 Deputy Clerk

1. Name of Claimant(s) Paul and Susan Katsilometes
Mailing Address 7611 Katsilometes Rd, Pocatello, Idaho Zip 83204
2. Date of Priority (Only (1) per claim) 04-21-1938
3. Source of water supply (a) unnamed stream
which is tributary to (b) sinks
- 4.a. Location of existing point of diversion is:
Township 7S Range 35E Section 4, SW 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____
County of Bannock
Parcel (PIN) No. _____
Additional points of diversion if any: _____
If Available, GPS Coordinates: 42° 50'5.749"N, 112°22'27.009"W
- 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. Concrete diversion dam and pipeline to storage pond.

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

For Irrigation purposes from 04/01 to 10/31 amount 0.07 or _____
For Domestic purposes from 01/01 to 12/31 amount 0.04 or _____

7. Total quantity claimed (a) 1.1 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____ Domestic: 1 household

9. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. 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				NW				SW				SE				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	16								D 3.4									3.4

Parcel (PIN) no(s). R4013010403, R4013010405, R401301161 Total number of acres irrigated 3.4

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

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.
_____ or None ()

13. Remarks: _____

14. Basis of Claim (Check one) Beneficial Use () Posted Notice () License () Permit ()
Decree (✓)

Court Fifth District Decree Date May 28, 1947

Plaintiff v. Defendant Katsilometes v. Jensen and Nedoba

. If applicable provide IDWR Water Right Number 29-490

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 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) _____ Date _____

_____ Date _____

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 Luke H. Marchant Date 10/25/11

Title and Organization Attorney

16. Notice of Appearance:

Notice is hereby given that I, Luke H. Marchant, 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 Luke H. Marchant Date 10/25/11

Address Holden, Kidwell, Hahn & Crapo, P.L.L.C.

PO Box 50130, Idaho Falls, ID 83045-0130

ATTACHMENT 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

GEORGE D. KATSILOMETES, :
Plaintiff, :
vs. :

JAMES JENSEN and ANNIE JENSEN, :
husband and wife; :
LOUIS NEDOBA and KATHERINE :
NEDOBA, husband and wife, :
Defendants. :

DECREE

*Springs in SE SW 1/4, NE SE 1/4, SW 1/4 SE 1/4
Sec 4 T 7 S R 35 E and intermittent
stream combine into one natural
channel - P.D. in SE SW 1/4 Sec. 4*

.....
This cause came regularly on for trial before the Hon.
L. E. Glennon, District Judge, at Pocatello, Bannock County,
Idaho, on the 28th day of May, 1947. Merrill & Merrill,
attorneys at law, appeared for and on behalf of the plaintiff.
F. E. Tydeman, attorney at law, appeared for and on behalf of
the defendants James Jensen and Annie Jensen. The defendants
Louis Nedoba and Katherine Nedoba, husband and wife, having
heretofore disclaimed all interest in this cause, did not appear
either in person or by counsel. Upon motion of the plaintiff,
the Second Cause of Action alleged in plaintiff's complaint was
dismissed. A trial by jury was expressly waived. The cause
thereupon proceeded to trial upon the issues framed by the
complaint of the plaintiff and the answer of the defendants
James Jensen and Annie Jensen thereto. Evidence was thereupon
introduced by and on behalf of the plaintiff, from which it
appears that all of the allegations of plaintiff's complaint
are true and correct and that he is entitled to the relief there
sought. The defendants did not adduce any evidence. The Court
being now fully advised in the law and the premises, and written
Findings of Fact and Conclusions of Law having been expressly
waived in writing, NOW, THEREFORE:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AND THIS DOES ORDER, ADJUDGED AND DECREE, as follows:

1. That there is located in the Southeast Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 4, Township 7 South, Range 35, East Boise Meridian, in Bannock County, Idaho, unnamed springs, and an intermittent stream of water flowing thereto and commingling therewith, all of which said waters flow in a natural depression or channel in a southwesterly direction to a point in said Southeast Quarter of the Southwest Quarter of said Section 4 described as being 71°20' East 1625 feet distant from the Southwest corner of said Section 4, Township 7 South, Range 35 East Boise Meridian, at which point there is located and constructed diversion works consisting of a concrete diversion dam and excavations and other means of diverting said waters into a pipe-line which has its intake at said point and extends in a general southerly direction to the lands owned by the plaintiff and hereinafter described.

2. That the predecessors in interest of the plaintiff installed said diversion works and laid said pipe-line and diverted said waters, the actual diversion thereof having occurred on the 21st day of April, 1938.

29 0490 3. That the plaintiff is now, and his predecessors in interest have been since the 21st day of April, 1938, entitled to divert and use, and have diverted and used, all of the waters of said unnamed springs and intermittent stream hereinbefore described, up to 1 cubic foot per second of time, for domestic and culinary uses and for the watering of livestock and irrigation purposes, to and upon the lands owned by him and described as follows, to wit:

a Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 16, Township 7 South, Range 35, East Boise Meridian, lying east and north of U.S. Highway No. 91, in Bannock County, Idaho.

4. That said water has been conveyed from said point of diversion above described to the point of use through an imbedded pipe-line over and across lands owned by the defendant James Jensen and Annie Jensen, and other lands, and that the plaintiff is entitled to and has a perpetual easement over and across said land for said pipe-line and conduit for the transfer of said waters, the general course of which said easement over and across the land of said defendants is particularly described as follows, to wit:

Beginning at a point 670 feet East of the Northwest corner of Section 9, Township 7 South, Range 35, East Boise Meridian, thence South 14° West 1360 feet across the Northwest Quarter of the Northwest Quarter of Section 9, Township 7 South, Range 35 East Boise Meridian, thence South 27°30' East 1410 feet across the Southwest Quarter of the Northwest Quarter of Section 9, Township 7 South, Range 35 East Boise Meridian,

with full and complete right of ingress and egress to and upon said lands for the care and maintenance of said easement and adjacent to said pipe line of the pipe-line and conduits/for the transportation of said water, and has likewise the perpetual right in the future for maintaining the same.

5. That none of said defendants have any claim to or right of use of any of the waters of said unnamed springs and intermittent stream hereinbefore describes superior or prior to the right of the plaintiff herein.

6. That the title and right of the plaintiff in and to the use of ^{the} waters of said unnamed springs and intermittent stream hereinbefore described, up to one cubic foot per second of time or 50 miner's inches, with a date of priority of April 21, 1938, with the point of diversion as hereinbefore recited and an easement or right of way for transporting said water from said point of diversion over and across the ^{said} lands of said defendants, and

other lands to and upon the lands of the plaintiff, are hereby
quieted in the plaintiff George D. Katsilometes and against any
and all claims of the defendants or any of them, and said
defendants, and each of them, and their respective heirs,
executors, administrators and assigns, are hereby forever en-
joined and debarred from molesting, interrupting or in anywise
interfering with the right of the plaintiff to the use of said
waters and the transmission thereof across the lands hereinbefore
described.

Dated this 28 day of May, 1947.

L. E. Glennon

DISTRICT JUDGE

FILED
Anna Keefe
Clerk, Auditor & Recorder
Bannock County, Idaho
May 28 1947 11 28AM

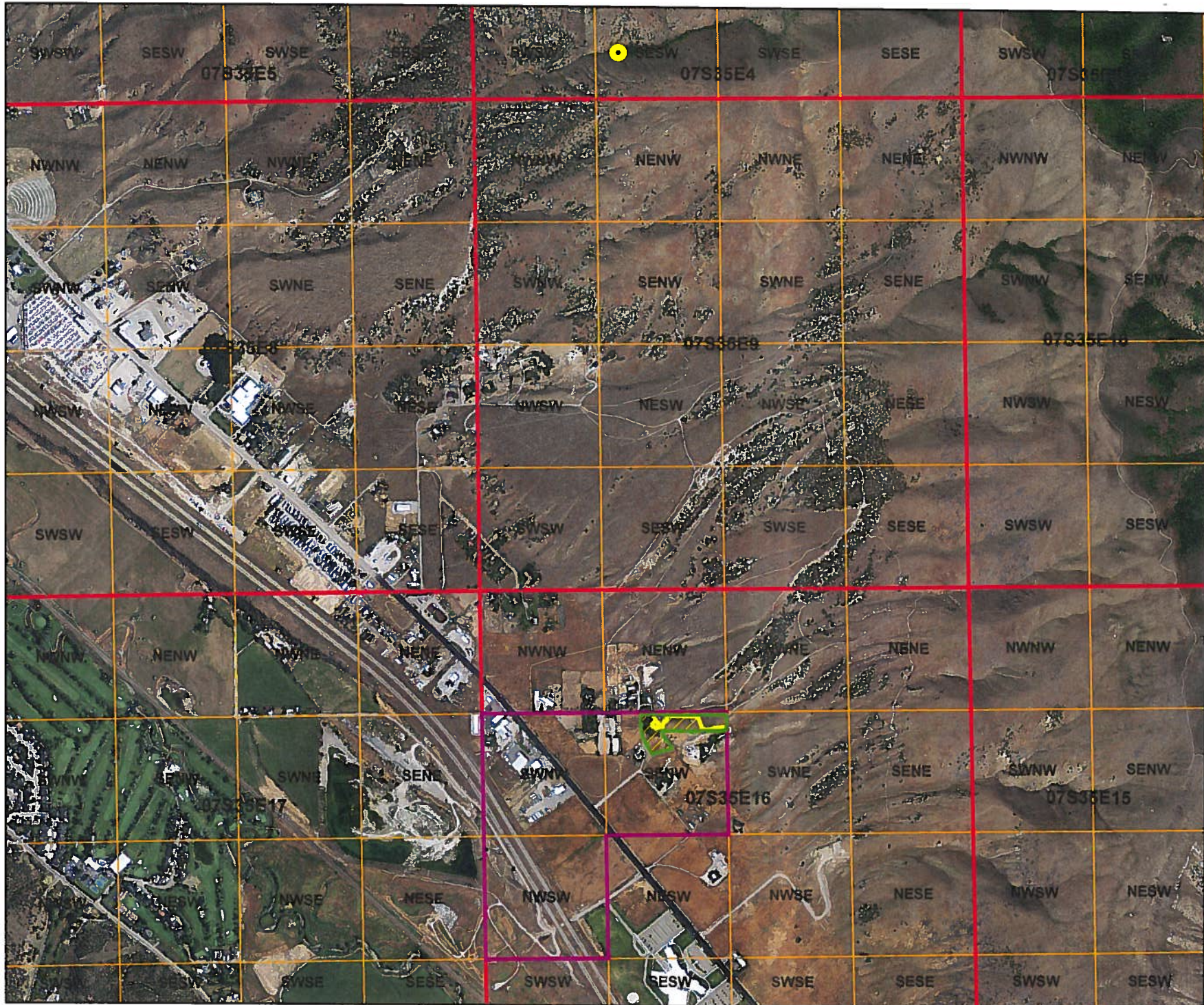
ATTACHMENT 2

KATSILOMETES LATE CLAIM - Water Right No. 29-490



Legend

- Decreed POD
- Property Line
- Decreed POU
- Claimed POU
- Section Lines
- Quarter Quarters



2011 NAIP Photo



Prepared by:
Luke H. Marchant