

RECEIVED
FEB 20 2013
DEPARTMENT OF
WATER RESOURCES

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

FEB 19 2013

By _____

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 Claim: 85-15748

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

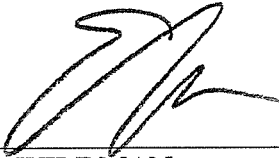
On November 5, 2012, Patrick O. and Annie M. Seubert filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 19, 2013. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections 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: February 19, 2013.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

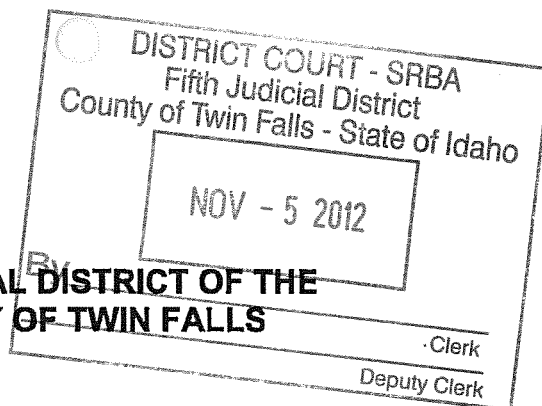
I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 19, 2013, with sufficient first-class postage to the following:

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

ANNIE M SEUBERT
PATRICK O SEUBERT
232 UTE WAY
CARBONDALE, CO 81623
Phone: 970-618-1114

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

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DEPT. OF WATER RESOURCES



**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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

ID Number: 85-15748

Date Received: _____

Receipt No: C096572 - AS

Amount: _____ By: _____

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

Please type or print clearly

- Name of claimant(s) Patrick O. Seubert and Annie M. Seubert Phone (970) 618-1114
Mailing address 232 Ute Way Carbondale CO ZIP 81623
Street or Box City State
- Date of priority (only one (1) per claim) December 31, 1957
Month Day Year (yyyy)
- Source of water supply (check one) Ground Water () or Other (x) (a) Spring
which is tributary to (b) Sinks
- a. Location of point of diversion is: Township 33N, Range 2W, Section 36,
NW 1/4 of NE 1/4, or Govt. Lot _____, B.M., County of Lewis County
Parcel (PIN) no. RP330N02W360600T
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, or Govt. Lot _____, B.M., County of _____
ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4 or
Govt. Lot _____, B.M., County of _____
- 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.
The Spring is located on the Claimants' property and is collected in a 6'x6'x6' spring box and delivered by pipe
to the residence on the property for in-house domestic use and the associated irrigation of up to 1/2 acre of
adjoining lawns and gardens.

6. Water is claimed for the following purposes:

(both dates are inclusive mm-dd) (cfs) (acre-feet)

For Domestic purposes from 1-1 to 12-31 amount 0.04 or _____

For Irrigation of up to 1/2 ac. purposes from 4-1 to 0-31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): Domestic water for one residence including the irrigation of up to 1/2 acres

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 (e.g. D for domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33N	2W	36		D															0.04

Parcel (PIN) no(s). RP330N02W360600T

Total number of acres irrigated up to 1/2 ac

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

11. Do you own the property listed above as place of use? Yes (x) 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.

(Although for a different purpose, Right No. 8511802 is a Stockwater right on the same property.) or None (x)

13. Remarks:

This water right is located on the same property as Stockwater Right No. 8511802, filed by Claimant Annie M. Seubert's father, Herman Trautman, on October 15, 1991. Mr. Trautman owned the subject property with his wife, M. Patricia Trautman. Prior to his death in 2004, Mr. Trautman had entered into a certain "Agreement to Pass Property to Surviving Spouse," with Mrs. Trautman and when he died, title to the property and water right passed to her. When Ms. Trautman later sold the subject property to the Seubert's in 2010, it was discovered that Mr. Trautman had previously completed, but inexplicably had not filed, a companion "Notice of Claim to a Water Right" for a domestic right on the same property. This "Notice of Claim," therefore, is intended to add this Domestic claim to the Stockwater Right No. 8511802 on the property.

Last name Seubert Identification no. 85-15748

14. Basis of claim (check one) Beneficial Use (X) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable, provide IDWR water right number _____

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 notices in the Coeur d'Alene-Spokane River Basin Adjudication".

b. I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2- Aerial & Topo

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) *Robert O. Seubert* Date: Oct 29, 2012

Annin Seubert Date: Oct 29, 2012

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 Seubert Identification no. 85-15748



Image Date: 2011

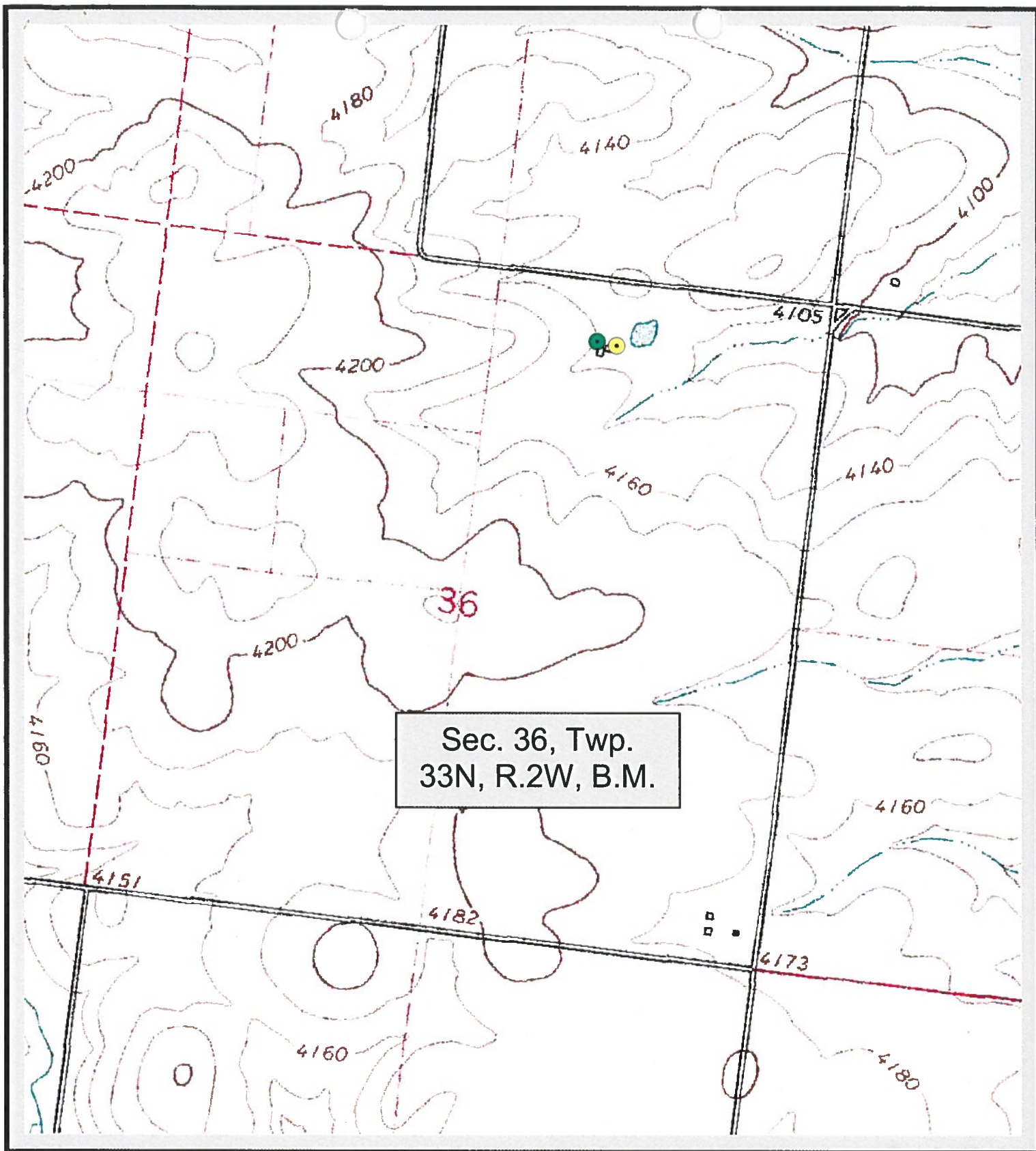
0 212.5 425 850 1,275 1,700 Feet



- Township
- Section
- Quarter-Quarter Section

- Point of Diversion
- Place of Use

Claimants: Patrick O. Seubert and
Annie M. Seubert
232 Ute Way
Carbondale, CO 81623



Base Mapping USGS Quad
Winchester East, 1967

0 550 1,100 2,200 3,300 4,400 Feet



- Point of Diversion
- Place of Use

Claimants: Patrick O. Seubert
and Annie M. Seubert
232 Ute Way
Carbondale, CO 81623

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SEP 28 2012

Form No.42-1409-1 (Internet 3/12)

DEPT. OF WATER RESOURCES

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 COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

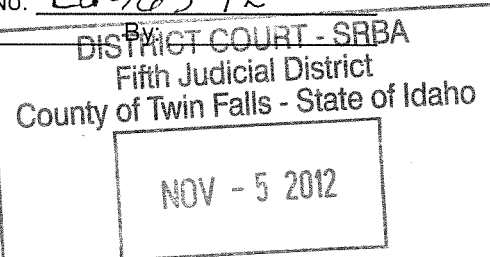
CIVIL CASE NUMBER: 49576

ID Number: 85-15748

Date Received:

Receipt No: CA96572

Amount:



NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) Patrick O. Seubert and Annie M. Seubert
Mailing address 232 Ute Way Carbondale CO 81623
Street or Box City State ZIP
- Date of priority (only one (1) per claim) December 31, 1957
Month Day Year (yyyy)
- Source of water supply (check one) Ground Water () or Other (x) (a) Spring
which is tributary to (b) Sinks
- a. Location of point of diversion is: Township 33N, Range 2W, Section 36,
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Parcel (PIN) no. RP330N02W360600T
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, or Govt. Lot , B.M., County of
ending point is: Township , Range , Section , 1/4 of 1/4 or
Govt. Lot , B.M., County of
- 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
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to the residence on the property for in-house domestic use and the associated irrigation of up to 1/2 acre of
adjoining lawns and gardens.

SCANNED
SEP 28 2012

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(both dates are inclusive mm-dd) (cfs) (acre-feet)

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For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): Domestic water for one residence including the irrigation of up to 1/2 acres

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Parcel (PIN) no(s). RP330N02W360600T

Total number of acres irrigated up to 1/2 ac

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(Although for a different purpose, Right No. 8511802 is a Stockwater right on the same property.) or None (x)

13. Remarks:

This water right is located on the same property as Stockwater Right No. 8511802, filed by Claimant Annie M. Seubert's father, Herman Trautman, on October 15, 1991. Mr. Trautman owned the subject property with his wife, M. Patricia Trautman. Prior to his death in 2004, Mr. Trautman had entered into a certain "Agreement to Pass Property to Surviving Spouse," with Mrs. Trautman and when he died, title to the property and water right passed to her. When Ms. Trautman later sold the subject property to the Seubert's in 2010, it was discovered that Mr. Trautman had previously completed, but inexplicably had not filed, a companion "Notice of Claim to a Water Right" for a domestic right on the same property. This "Notice of Claim," therefore, is intended to add this Domestic claim to the Stockwater Right No. 8511802 on the property.

Last name Seubert Identification no. 85-15748

SCANNED
28 2012

14. Basis of claim (check one) Beneficial Use (x) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable, provide IDWR water right number _____

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 notices in the Coeur d'Alene-Spokane River Basin Adjudication".

b. I/We do () do not (x) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2: Aerial & Topo

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) Patricia J. Seubert Date: Sept 24, 2012
Annie Seubert Date: Sept 24, 2012

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 Seubert Identification no. 85-15748

SCANNED
SEP 28 2012

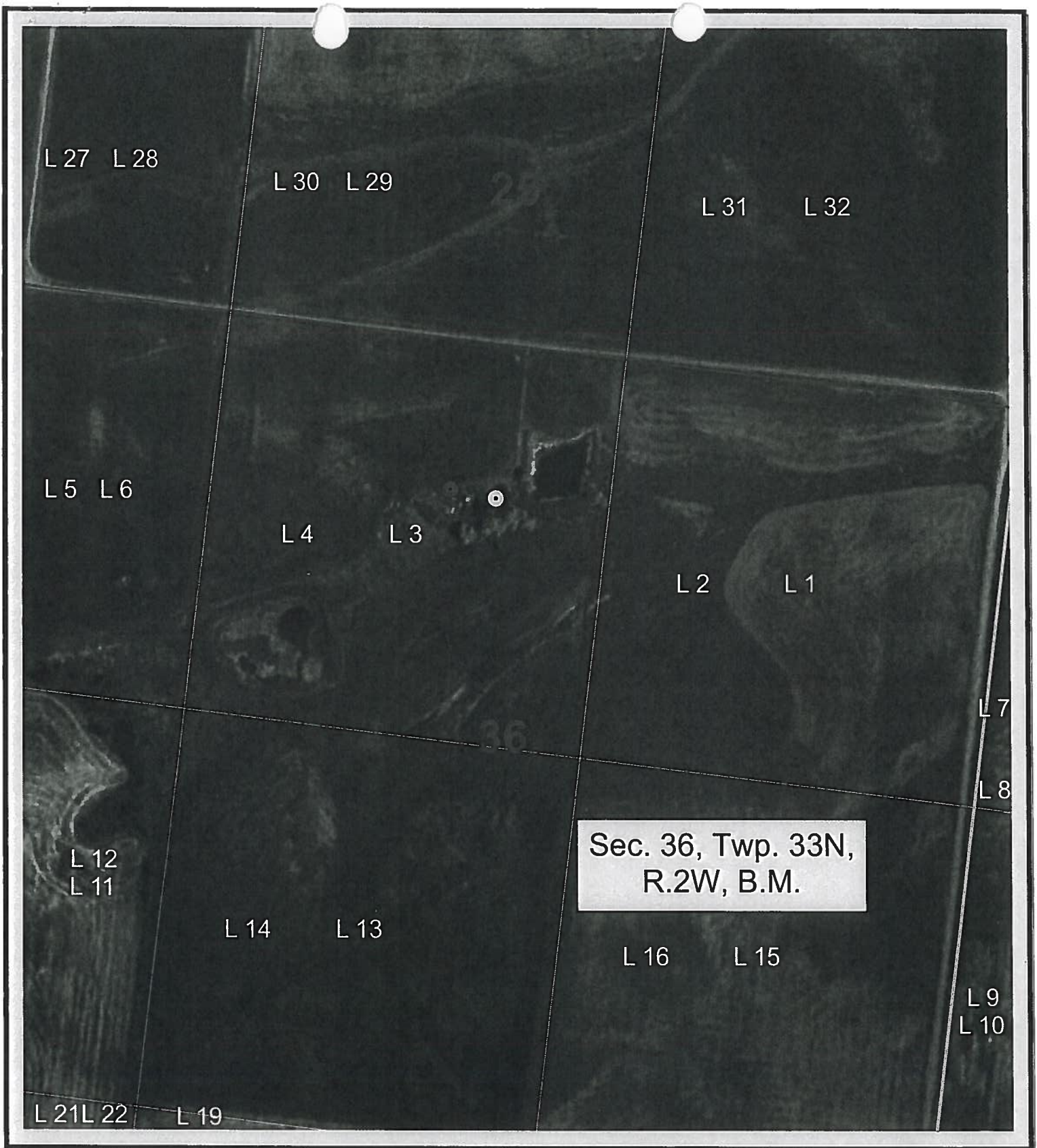


Image Date: 2011

0 212.5 425 850 1,275 1,700 Feet

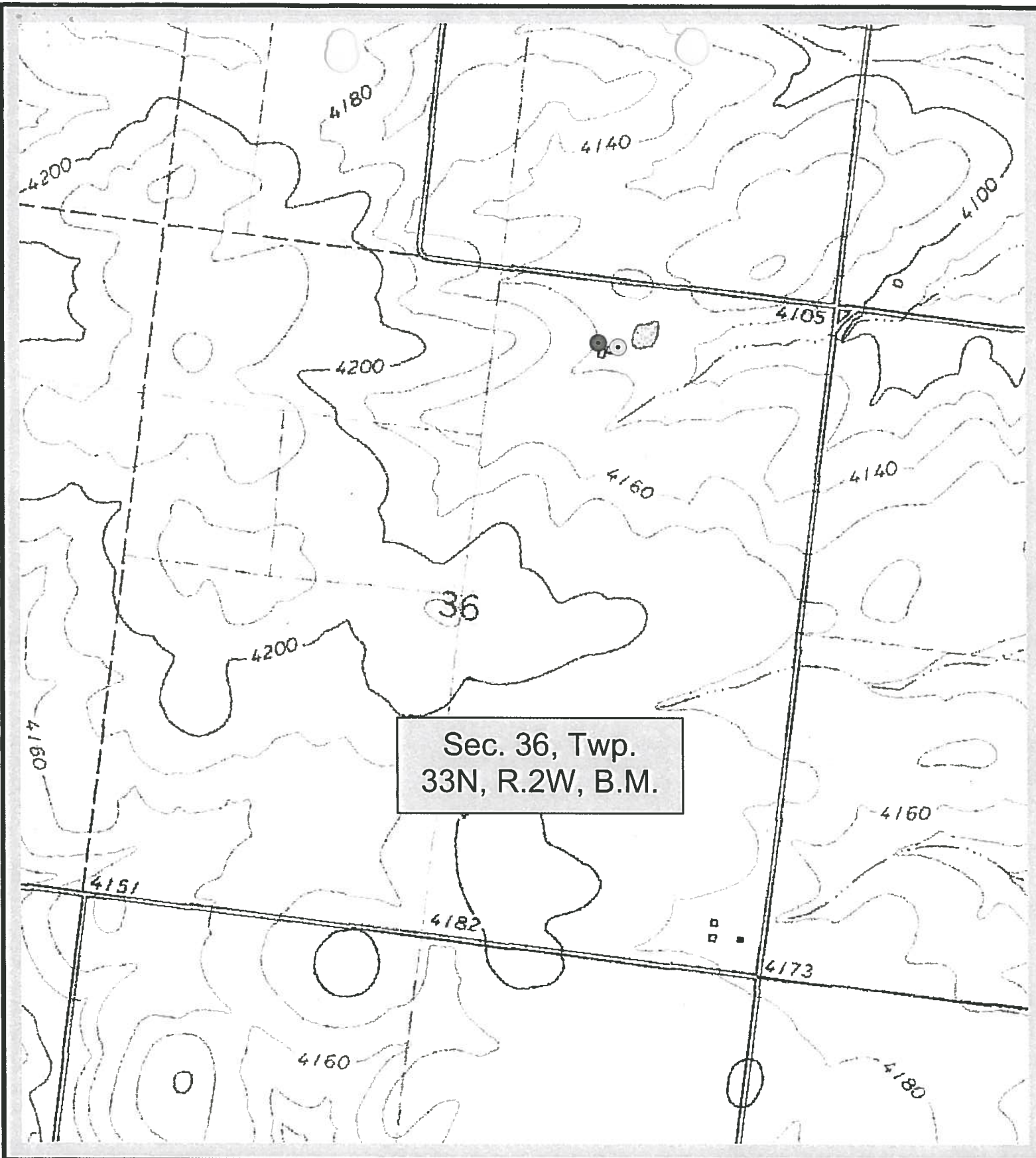


-  Township
-  Section
-  Quarter-Quarter Section

-  Point of Diversion
-  Place of Use

Claimants: Patrick O. Seubert and
Annie M. Seubert
232 Ute Way
Carbondale, CO 81623

SCANNED
SEP 28 2012



Base Mapping USGS Quad
Winchester East, 1967

0 550 1,100 2,200 3,300 4,400 Feet

NORTH

- Point of Diversion
- Place of Use

Claimants: Patrick O. Seubert
and Annie M. Seubert
232 Ute Way
Carbondale, CO 81623

SCANNED
28