

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 17 2013	
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 Claim: 63-08478

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On January 28, 2013, James L. Payne, by and through counsel, S. Bryce Farris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* was held on April 16, 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: April 17, 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 April 17, 2013, with sufficient first-class postage to the following:

JAMES L PAYNE

Represented by:

S. BRYCE FARRIS

SAWTOOTH LAW OFFICES PLLC

1101 W RIVER ST STE 110

PO BOX 7985

BOISE, ID 83707

Phone: 208-629-7447

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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".

APR 18 2013

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

CIVIL CASE NUMBER: 39576

Indent. Number 63-8478

Date Received 4-18-13

Receipt Number C597008

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

JAN 28 2013

1. Name of Claimant(s) James L. Payne Phone: (208) 459-7984

Mailing Address 23546 Hartley Lane, Middleton, ID Zip 83644

By

Clerk

Deputy Clerk

2. Date of Priority only (1) per claim) 2/18/1977

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 3W Section 12.

1/4 of SE 1/4 NW 1/4, Govt. Lot, _____ B.M., County of _____ Canyon

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼,

Govt. Lot B.M., County _____

ending point is: Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____

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

5. Description of existing diversion works.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For <u>Irrigation</u>	purposes from <u>3/15</u> to <u>11/15</u>	amount <u>.01 cfs</u> or <u>0.5 AFA</u>
<u>Stockwater</u>	purposes from <u>1/01</u> to <u>12/31</u>	amount <u>.02 cfs</u> or <u>1.3 AFA</u>

7. Total quantity claimed (a) 0.03 cfs (cfs) and/or (b) 1.8 (acre feet)

8. Total consumptive use claimed is N/A acre fee per annum.

9. Non-Irrigation uses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

Last Name James L. Payne Ident. Number 63-8478

- 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 instructions for standard symbols.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	3W	12								.1									

Total number of acres irrigated .1

11. In which county (ies) are lands listed above as place of use located? Canyon County
12. Do you own the property listed above as place of use? Yes X No
13. Other water rights used: Water is combined with water rights from ditch companies.
14. Remarks:

15. Basis of Claim (check one) Beneficial Use Posted Notice License X Permit
Decree

If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing documents are true and correct.

Signature or Claimant (s) *James L. Payne* for James L. Payne as his attorney Date 1/25/13

For Organizations: I do solemnly swear or affirm that I am Title

of , that I have signed the foregoing Organization

document in the space below as of and that the statements contained in the foregoing document are true and correct.

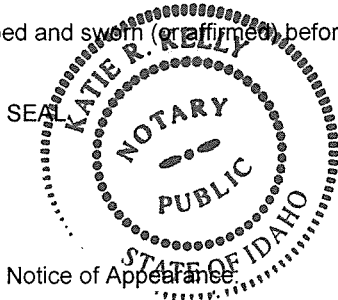
Signature of Authorized Agent

Title and Organization Date

Last Name James L. Payne Ident. Number 63-8478

State of Idaho/or _____)
County of Ada _____) SS.

Subscribed and sworn (or affirmed) before me this 25th day of January 2013



Notary Public Katie R. Kelly

Residing at Oasis, ID

My Commission Expires 2/20/14

16. Notice of Appearance

Notice is hereby given that I, S. Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and 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 [Signature]

Address Sawtooth Law Offices, PLLC, PO Box 7985, Boise, ID 83707

Date 1/25/13

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08478

Priority: February 18, 1977

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.8 AF

This is to certify, that ED M PAYNE
JAMES L PAYNE

22748 BALLARD LN
CALDWELL ID 83605

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 18, 1977; and has submitted Proof of Beneficial Use on February 9, 1987. An examination indicates that the works have a diversion capacity of 0.100 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	03/15 to 11/15	0.01 CFS	0.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
Totals		0.03 CFS	1.8 AF

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 12, Township 04N, Range 03W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	03W	12	SENW	0.1		0.1

Total number of acres irrigated: 0.1

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

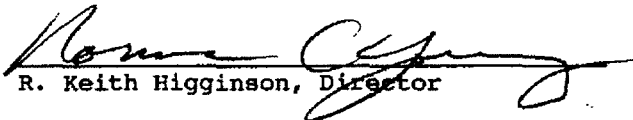
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use 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. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. Stockwater use is for 100 range cattle.

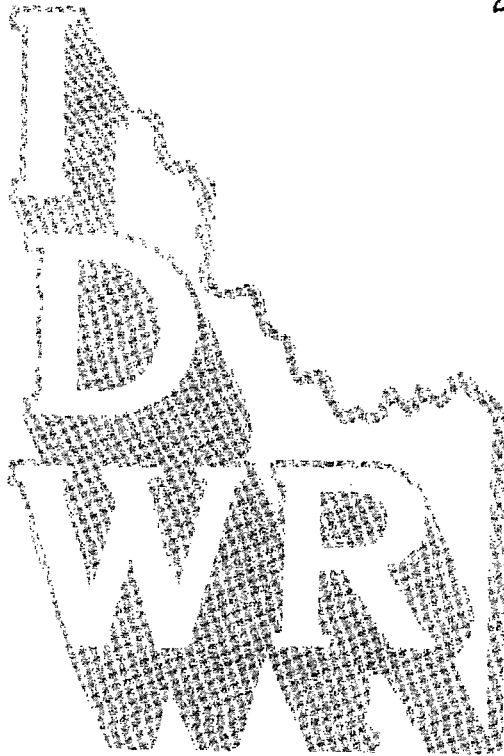
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08478

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 4TH
day of APRIL, 1975.

Acting for  R. Keith Higginson, Director



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