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APR 18 2013

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>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     | ) | Water Right Claims: 45-14430 & 45-14431 |
|                | ) |                                         |
| Case No. 39576 | ) | ORDER GRANTING MOTIONS TO FILE          |
|                | ) | LATE NOTICE OF CLAIMS                   |
|                | ) |                                         |
| _____          | ) |                                         |

On January 28, 2013, Gerald and Celia Marchant, by and through counsel, Luke H. Marchant, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on April 16, 2013. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices 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 claims 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  
MOTIONS TO FILE LATE NOTICE OF CLAIMS was mailed on April 17,  
2013, with sufficient first-class postage to the following:

CELIA MARCHANT  
GERALD MARCHANT  
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

ORDER

Page 1 4/17/13

FILE COPY FOR 00653

Deputy Clerk

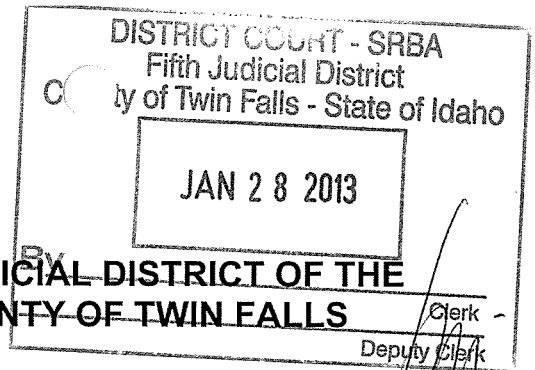
A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

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DEPARTMENT OF  
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)



**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 45-14431

Date Received: 4-18-13

Receipt No: CD97013

Received By: LP

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

Please type or print clearly

1. Name of Claimant (s) Gerald and Celia Marchant Phone (208) 862-3811

Mailing Address 24 E. Basin Rd. Oakley ID 83346  
Street or Box City State ZIP

2. Date of Priority (Only one (1) per claim) March 15, 1962  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. a. Location of Point of Diversion is: Township 13S, Range 23E, Section 32,  
NW, 1/4 of SE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Cassia

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

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., 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. Water is diverted through an existing well and pump. The well is  
drilled to 435', has perforated 16" diameter casing to 215', and is plugged at 235'.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 1.31 or 262

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.31 (cfs) and/or (b) 262 (acre feet)

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

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 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 |        |
| 13S | 23E | 32  | 31.5 | 34 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 65.5   |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s).

Total number of acres irrigated 65.5

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

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.

Claimed place of use is the same as the place of use for Claim No. 45-14430. or None (✓)

13. Remarks: This claim is for an enlargement in acres that is believed to have occurred in the early 1960s to

Water Right No. 45-2497.

Last Name Marchant Identification No. 45-14431

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 \_\_\_\_\_

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 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: 1

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) Luke H. Marchant, Attorney Date: 01/24/2013  
\_\_\_\_\_  
Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_  
Title of \_\_\_\_\_ Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_  
Title of \_\_\_\_\_ 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, Luke H. Marchant, 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.

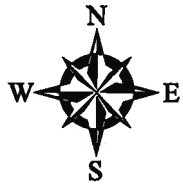
Signature Luke H. Marchant Date 01/24/2013

Address 1000 Riverwalk Dr., Ste. 200, PO Box 50130, Idaho Falls, ID 83405  
\_\_\_\_\_  
\_\_\_\_\_

Last Name Marchant Identification No. 45-14431

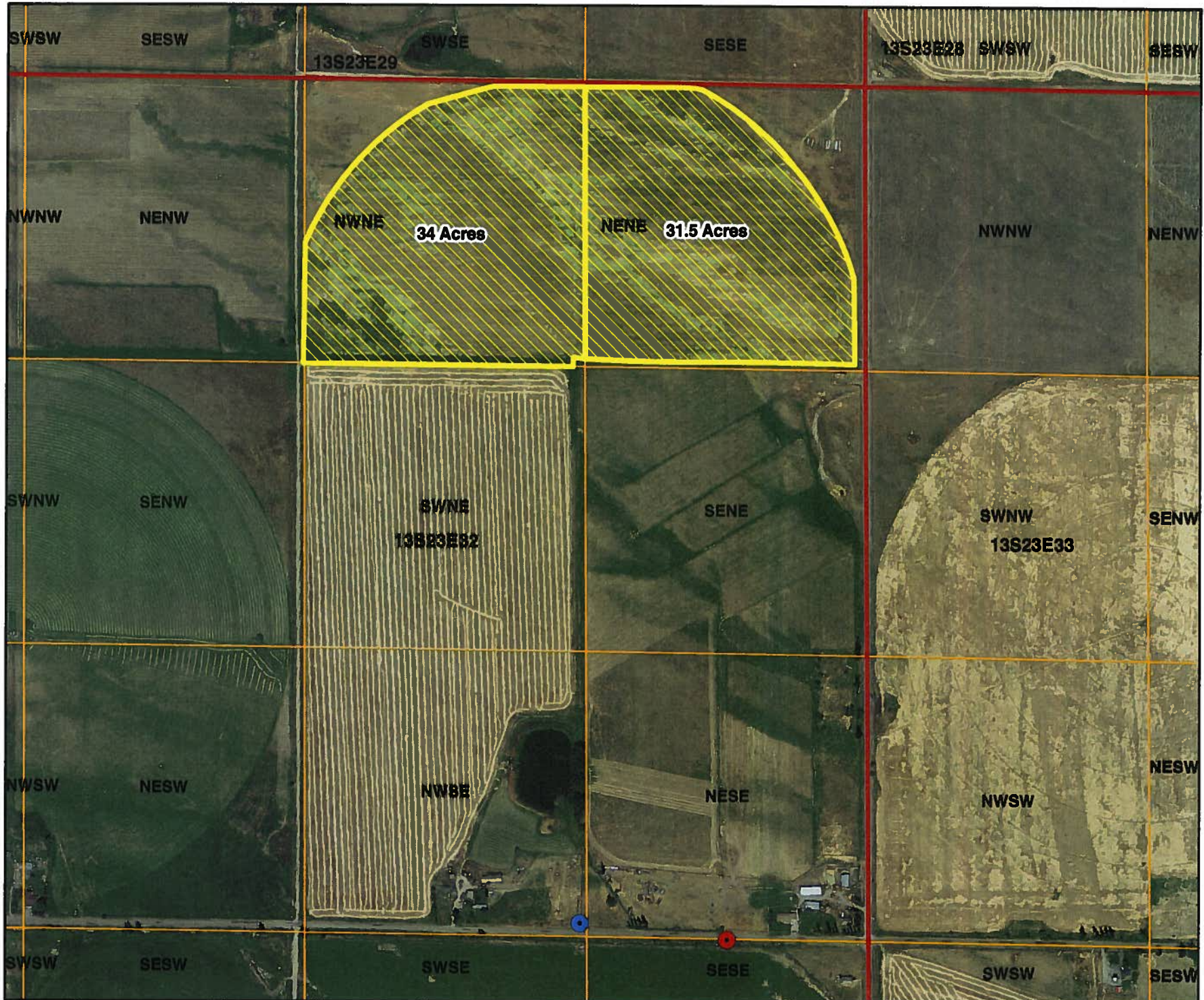
# **ATTACHMENT 1**

# LATE CLAIM NO. 45-14431



## Legend

- 45-545, 45-546, 45-547, 45-628  
POD
- 45-2497 POD
- Claimed POU
- Section Lines
- Quarter Quarters



2011 NAIP Photo



Prepared By:  
Luke H. Marchant  
01/24/2013