

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 Claims: 45-14429, 47-17605 and
) 47-17606.
)
) ORDER CONDITIONALLY GRANTING
) LATE NOTICES OF CLAIM
)
)
)

On January 29, 2013, the State of Idaho Department of Lands filed a *Motion to File Late Notice of Claim* for each of the above-captioned water right claims. A hearing on the *Motions* was held on April 16, 2013. No party appeared in opposition to the *Motions*. However, at the hearing an issue was raised regarding the payment of the appropriate filing fees associated with the late claims. Counsel for the Idaho Department of Lands represented that the standard practice for the payment of filing fees as between the Department of Lands and the Idaho Department of Water Resources is that if the late claim is granted, the Department of Lands effectuates payment through an interagency billing. Therefore, following a review of the files and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motions*, provided that the Idaho Department of Lands submits the appropriate filing fees associated with the late claims pursuant to its standard practices.

THEREFORE, IT IS HEREBY ORDERED that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **conditionally granted** subject to the Idaho Department of Lands submitting the appropriate late claim filing fees to the Idaho Department of Water Resources pursuant to the standard practice of an interagency billing.

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 CONDITIONAL GRANTING LATE NOTICES OF CLAIM was mailed on April 17, 2013, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720

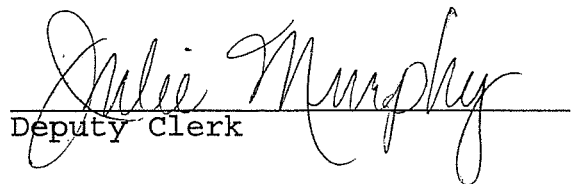
BOISE, ID 83720-0098

ORDER

Page 1 4/17/13

FILE COPY FOR 00655

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

JAN 29 2013

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

Clerk

Deputy Clerk

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 47-17605

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) State of Idaho, Department of Lands Phone (208) 334-0200Mailing Address 300 N. 6th St., Ste. 103, P.O. Box 83720 Boise ID 83720-0050
Street or Box City State ZIP2. Date of Priority (Only one (1) per claim) 03/15/1938
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Rock Creekwhich is tributary to (b) Snake River (See Section 13 Remarks for an additional source).4. a. Location of Point of Diversion is: Township 12 S, Range 18 E, Section 36,
NE, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Twin Falls

Parcel (PIN) no. _____

Additional points of diversion if any: T12S, R18E, Sec. 36, NWNWNW, County of Twin Falls.

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. Diversion dams with headgates to earthen ditches and pipe.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 03/15 to 11/15 amount 0.38 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.38 (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.)

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	
12 S	18 E	36		0.16			4.9												5.06

Parcel (PIN) no(s).

Total number of acres irrigated 5.06

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

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.

The following water rights have PODs in Section 36: 47-136, 47-153, 47-2495, and 47-12504. or None ()

13. Remarks: The water sources and points of diversion are as follows:

(1) Source: Rock Creek, which is tributary to Snake River. POD: T12S, R18E, Sec. 36, NENENW.

(2) Source: Fifth Fork, which is tributary to Rock Creek. POD: T12S, R18E, Sec. 36, NWNWNW.

A map of the claim is included as Attachment 1 to the Notice of Claim.

The priority date and evidence of beneficial use are based on the documents included as Attachment 2 to the Notice of Claim.

Last Name Idaho Department of Lands Identification No. 47-17605

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: 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

Timothy C. Duffner, Area Manager of State of Idaho, Department of Lands,

Title

Organization

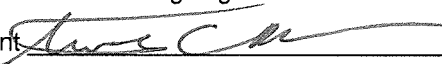
that I have signed the foregoing document in the space below as

Area Manager of the South Central Area of State of Idaho, Department of Lands,

Title

Organization

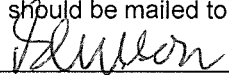
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 1-18-13

Title and Organization Area Manager, State of Idaho, Department of Lands

16. Notice of Appearance:

Notice is hereby given that I, Tyson Nelson, Deputy Attorney General, 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 1/25/2013

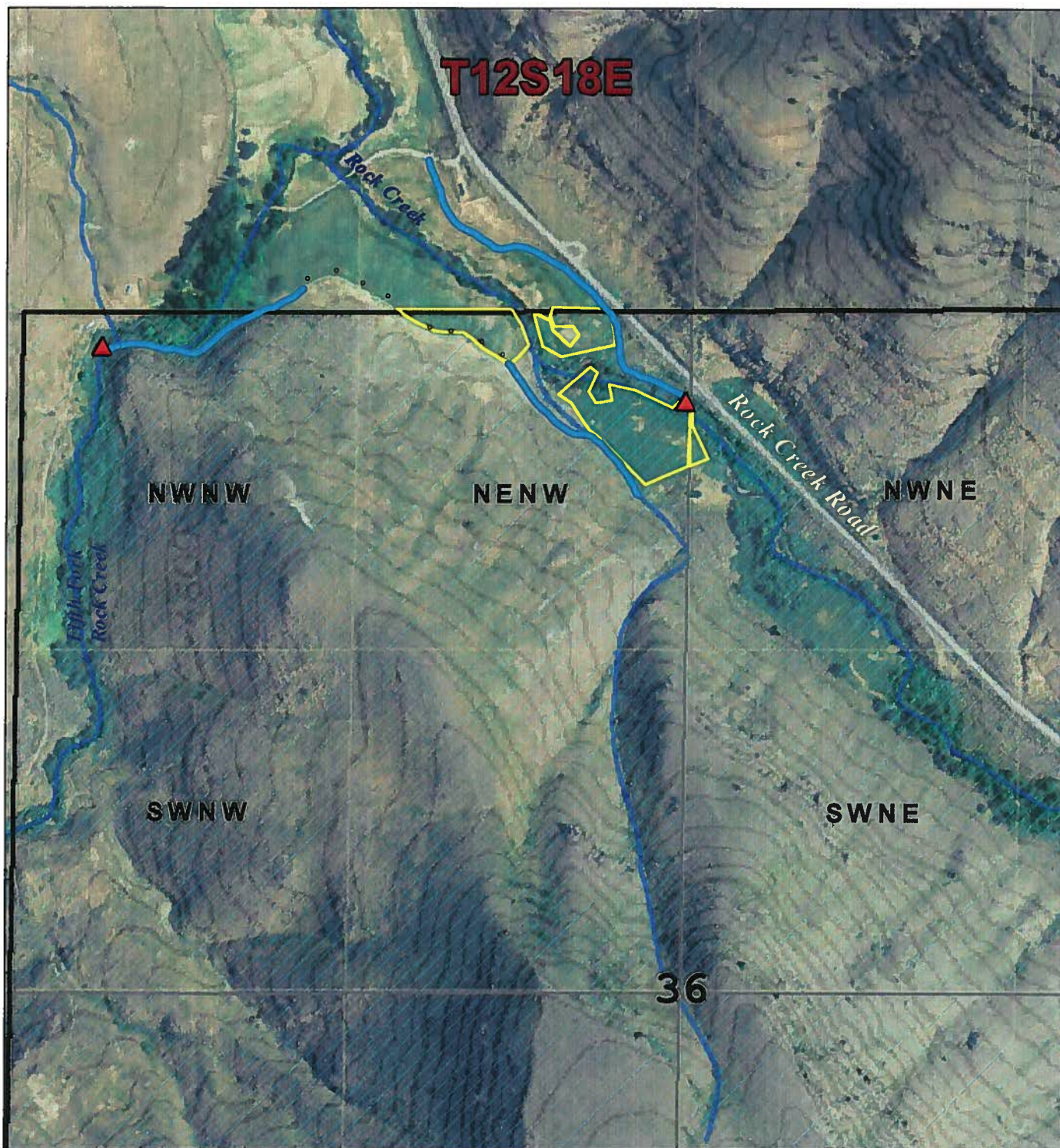
Address Office of the Attorney General, Natural Resources Division

P.O. Box 44449, Boise, ID 83711-4449

Last Name Idaho Department of Lands Identification No. 47-17605

Notice of Claim Attachment 1

Map



Legend

- ▲ Point of Diversion
- Place of use
- ° Piped portion of irrigation ditch
- Irrigation ditch
- Streams
- IDL Endowment Ownership
- Sections
- Quarter line
- GCDB

Claim 47-17605

T12S18E Section 36

1/24/2013

Scale 1:8,500

0 0.05 0.1 Miles



Map Notes

Projection: Idaho Transverse Mercator, NAD 27
Map Notes and Data Sources
Endowment Land current as of map date
Imagery NAIP 2011
24K USGS TOPO

Disclaimer:
This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.



Notice of Claim Attachment 2

Affidavit of Timothy C. Duffner

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

TYSON K. NELSON (ISB No. 7188)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

*Counsel for the State of Idaho,
Department of Lands*

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 No. 47-17605
	)	
Case No. 39576	)	AFFIDAVIT OF TIMOTHY C.
	)	DUFFNER
_____	)	

STATE OF IDAHO	)
	) ss.
County of Jerome	)

TIMOTHY C. DUFFNER, being first duly sworn upon oath, deposes and states as follows:

1. My name is Timothy C. Duffner. I am of sound mind and majority age, and the below facts are based on my personal knowledge.
2. I am employed by the Idaho Department of Lands ("IDL"). I have worked for IDL since 1980.

3. I am the Area Manager of IDL's South Central Supervisory Area ("Area"). I have been the South Central Area Manager since October 2004.

4. In my position as Area Manager, I am familiar with the documents maintained by IDL in the ordinary course of business.

5. Exhibit A to this Affidavit is a true and correct copy of a document entitled "Land Department Rentals." Exhibit A is maintained in the Area's files.

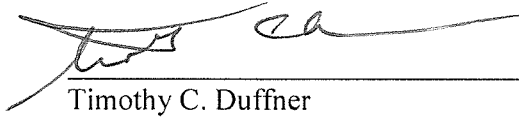
6. Exhibit A is a lease record for State endowment land located in Township 12 South, Range 18 East, Section 36, B.M., Twin Falls County, Idaho ("State Land"). Exhibit A identifies the dates and lease numbers for leases related to the State Land. IDL staff added information to the document as leases were renewed. Exhibit A identifies that the State Land was leased by George D. Crockett, and later by Charlotte W. Crockett. The Crocketts leased the State Land as early as January 1, 1938. According to the lease numbers in Exhibit A, the Crocketts renewed the lease of the State Land in 1952, 1962, 1972, and 1982.

7. Exhibit B to this Affidavit is a true and correct copy of a document entitled "Application to Lease State Land." Exhibit B is maintained in the Area's files.

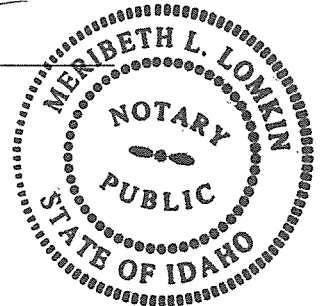
8. Exhibit B is a form that lessees completed when leases were renewed. Exhibit B is an application to lease the State Land submitted by Charlotte W. Crockett. Ms. Crockett added the hand-written paragraph in the middle of Exhibit B. In the paragraph, Ms. Crockett explained the State Land was used for grazing and to grow approximately five acres of grass hay. IDL charged Ms. Crockett two different lease rates per acre to account for agricultural use and grazing use of the State Land.

Further your affiant sayeth naught.

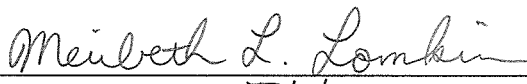
DATED this 18th day of January 2013.



Timothy C. Duffner



Subscribed and sworn to before me on this 18th day of January 2013.



Notary Public for Idaho
Residing at: Jerome
My commission expires: Sept. 28, 2017

Affidavit of Timothy C. Duffner Exhibit A

Land Department Rentals

LAND DEPARTMENT -- RENTALS

5230-82

24-10-72

14473-62

Jan. 1, 19 38 to Dec. 31, 19 42

Charlotte W., wife
CROCKETT, George D., Estate of

Route 2

Lease No.
9289-52

Fund Pub

County Twin Falls

Loan No.

Name

Annual Rental \$ 57.60

Acres .96 / ACRES

All Sec 36-125-18E

LEGAL DESCRIPTION

RENTAL	DEBIT		CREDIT		UNPAID BALANCE
	RENTAL	INTEREST	RECEIPT NO.	PAYMENTS	
67	72.00		19010	72.00	72.00
68	72.00		23415	72.00	72.00
69	72.00		12888	72.00	72.00

Affidavit of Timothy C. Duffner Exhibit B

Application to Lease State Land

APPLICATION TO LEASE STATE LAND

1972
copy

~~George D. Crockett~~ Charlotte W. Crockett, Route 2, Hansen, Id 83334

Name Street City Street Zip

Description of Property:

County	Subdivision	Section	Township	Range	Grant	Area
Twin Falls	All (less 6.61 A R/W)	36	12 S	18 E	Pub	6 7

This section is dry full rock grazing - except approx 5 acres that grass is mowed for hay. It is fenced entirely on the west side and partly on the east boundary. This property was never in an Estate as all property & cattle was deeded to me - his wife, before my husband died. The business was handled by Lawyer Robert Stephan of Twin Falls.

SPECIAL PROVISIONS:

BOISE, IDAHO

72 OCT 10 AM 10:36

DEPT. OF PUBLIC LANDS

Class	Acres	Rate	Rental
Agri...	5.00	\$5.00	\$ 25.00
Graz...	628.39	20c	\$125.68
.....			\$.....
.....			\$.....
Remarks	1972 credit		-.45
Total	633.39		\$150.23
Fee			\$3.00
TOTAL AMOUNT DUE			\$153.23

Renewal of Lease No. 2410-72
Former Lease No.
Loan No. Name
Mortgage Agreement pending? Yes
Mortgage holder Federal Land Bank

REMITTANCES:

VOUCHERED:

No. 100.776 \$153.23 No. \$
\$ \$

Management Plan, Agency
Exchange Use, AUM's
Disposition Classification: E
Expiration 12-31-82

Lease No. Appl. No. 75-12

SIGNED

Charlotte W. Crockett

A.H. 2