

36-15481

316

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OFFICE OF THE
ATTORNEY GENERAL

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Department of Water Resources
Adjudication Bureau

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.

Case No. 39576

STANDARD FORM 4

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

MOTION TO FILE A LATE
NOTICE OF CLAIM

Petitioner,

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to ask permission to file a late notice of claim in a reporting area where the director's report has been filed. This form has been adopted by the court in *SRBA Administrative Order* (amended June 21, 1993), Section 4A, which may be consulted for further information.

This motion requires you to certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law;

and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

You may copy or reproduce this form. If you do, the text must be on the front and back of each page exactly as it appears here. Fill out the form completely and attach all fees or the court will not accept the motion for filing. The Verification and Certificate of Mailing must be completed. Check each box to verify you have followed the court's instructions.

☒ As required by the court, I have read the *SRBA Administrative Order I, Rules of Procedure* (amended June 21, 1993).

My name is Lorna M. Irwin ~~for~~ James S. Irwin

My address is 76 W 100 N
Jerome ID 83338

My phone number is: Work 324-7544 Home 324-7544

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

The water right number I want to file a late notice of claim for is A36-15481

I did not file a notice of claim to the use of water in the SRBA because:

I was not aware of any need to file for a domestic well of our type until a Times-News article 2-22-95 stated that this ~~was~~ is now required by some lending companies upon sale of property. (By the time we sell this property, no doubt they all will)

As required by the court, I am providing legal and factual documentation for my claimed use of water. The documents I am providing are: (You must describe the documents and attach a readable copy.)

State of Idaho Dept. of Water Resources Drilling Permit #36-90-5-
1994 Jerome County Taxpayer's Valuation Assessment Notice
for property on which well is located and water used.

I have attached:

- ☒ A fully completed notice of claim (available from the Idaho Department of Water Resources (IDWR)).
- ☒ A claim filing fee and a late claim fee. IDWR may charge this fee pursuant to I.C. §§ 42-1414 and 42-1408A(j). To determine the amount contact IDWR at (800) 451-4129. I have enclosed a check payable to: *State of Idaho Department of Water Resources* in the amount of \$ 75.00.
- ☒ A court appearance fee in the amount of \$58.00 in the form of a check made payable to: *SRBA*. Persons filing a motion for late notice of claim do not become a party or claimant in the SRBA simply by filing this motion.

Follow these instructions regarding the hearing on this motion.

1. Contact the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on June 20, 1995 1:30 pm
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION
(Must be completed)

State of Idaho

County of Twin Falls

Lorna M. Irwin, being first duly sworn, upon oath, deposes and says:
(insert name of person filing form)

That I am the person or entity filing this motion and I have read the motion, know its contents and that the statements are true to the best of my knowledge and belief.

Lorna M. Irwin
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn-to before me on March 14, 1995
(Insert Date)

Mary G. Baldwin
Notary Public for Idaho
Residing at: Gooding Id
My Commission expires: 10/18/1998

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on March 14, 1995, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

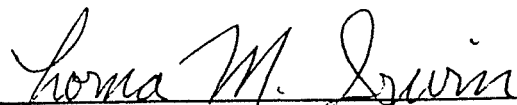
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

3. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of person or attorney mailing the form

9/89

Drilling Permit No. 36-90-S-052Water Right Permit Injection Permit No. State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

RECEIVED

MAY 29 1990

Department of Water Resources
Southern Region Office

1. Applicant (Please Print) Jim Ihwir
2. Mailing Address 221 12th Ave E Jerome, ID 83338
Telephone 324-7544
- ☒ Well Owner ☐ Well Operator ☐ Other, specify
3. Proposed well location SW 1/4 SW 1/4, or Gov't lot No. ,
Sec. 12, Twp. T-85, Rge. R-16 E, County Jerome,
Street Address of Well Site ,
Lot, block and subdivision
4. Proposed use of well:
☒ Single family or stockwater use (less than 13,000 gallons per day)
☐ Irrigation (more than 1/2 acre)
☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells:
☐ Other (describe fully)
5. Well construction information:
A. ☒ New well ☐ Deepen ☐ Replace - See Condition 9.
B. Proposed surface diameter 6" Maximum depth 280'
C. Anticipated bottom hole temperature:
☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)
6. Construction Start Date May - 24th - 31st, '90.
7. Anticipated Well Driller Eaton Drilling & Pump Service, Inc
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's signature [Signature] Date 5-17-90
Title Drilling Contractor
(Owner, Firm Representative.)

ACT OF DEPARTMENT OF WATER RESOURCES

This Permit is Approved Date 5/30/90

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Loren O'Halloran
Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION
Title

Receipt No. 50/2361 Received by [Signature] Fee \$10 Date 5-30-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____
This extension is good for 60 days beyond the above extension approval date.

JEROME COUNTY ASSESSOR
300 N. LINCOLN, STE.
JEROME, ID 83338

IMPORTANT NOTICE - PLEASE READ

PARCEL NO. RP 08S16E126 9 A

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
JEROME, ID 83338
PERMIT NO. 29

ADDRESS CORRECTION REQUESTED

TAX CODE 4-00

CATEGORY DESCRIPTION

LOTS / ACRES

MARKET VALUE

12	RURAL RES TR	9.000	AC	22,482
32	RURAL IMP ON AG			3,099
34	BLDG RES TR			138,466
	LESS HOMEOWNER EXEMPTION			50,000
		9.000		114,047*

1994

TAXPAYERS

VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 27, 1994

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS

PREVIOUS NUMBER

TAX 27 & 40 OF SWSW
SEC 12 T8 R16

Mail To:

IRWIN, JAMES S & LORNA M
76 WEST 100 NORTH
9.0 AC JEROME ID 83338

COMBO-#08S16E126470 EXP 010192

JAMES S. IRWIN, M.D.
LORNA M. IRWIN
76 WEST 100 NORTH PH. 324-7544
JEROME, ID 83338

1594

March 10 1995

92-6/1241

Pay To

The Order Of

SRBA

\$ 58.00

Fifty-eight and ^{no}/₁₀₀ ————— Dollars

FIRST SECURITY BANK OF IDAHO
100 EAST MAIN STREET
JEROME, IDAHO 83338

ADVANTAGE

Lorna M. Irwin

For

© CURRENT, INC., COLORADO SPRINGS, CO 80941

Parchment

JAMES S. IRWIN, M.D.
LORNA M. IRWIN
76 WEST 100 NORTH PH. 324-7544
JEROME, ID 83338

1593

March 10 1995

92-6/1241

Pay To

The Order Of

State of Idaho Dept. of Water Resources

\$ 75.00

Seventy-five and ^{no}/₁₀₀ ————— Dollars

FIRST SECURITY BANK OF IDAHO
100 EAST MAIN STREET
JEROME, IDAHO 83338

ADVANTAGE

Lorna M. Irwin

For

© CURRENT, INC., COLORADO SPRINGS, CO 80941

Parchment

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

Identification No. A36-15481

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

- Name of Claimant (s) James S. or Lorna M. Irwin Phone (208) 324-7544
Mailing Address 76 W 100 N Jerome Idaho Zip 83338
- Date of Priority (Only one per claim) ~~XXXXXX~~ 8-2-90 Month/Day/Year
- Source of water supply (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) _____
Name or kind of source
- Location of point of diversion is: Township T-8S Range R 16 E
Section 12, _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, BM.,
County of Jerome
Additional points of diversion if any: none
- Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well 20' 6 5/8" casing, 258' 6" open well below casing
(total depth ~280') 2 H.P. submersible pump, pipe to house
(pipe from house to stockwater tank)
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For domestic purposes from 1-1 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)
For stockwater purposes from 9-30 to 4-30 amount 0.01
- Total quantity claimed 0.05 (cfs)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) domestic, 1 home; stockwater, 3 mules

10. Place of use is: Township: 8 S Range 16 E

Section 12, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
☒ None or _____

14. Remarks: Drilling permit no. 36-90-5-052 (5-30-90)

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number A36-15481

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 _____

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

Signature of Claimant (s) Korna M. Irwin Date 3-14-95

_____ Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Twin Falls) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 14th day of March 19 95

SEAL

Notary Public Mary A. Baldwin

Residing at Gooding Id

My Commission Expires 10/18/1998

Last Name _____ Ident No. _____

Copies: White- Yellow-Claimant