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MAR 20 2014

DEPARTMENT OF
WATER RESOURCES

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

MAR 19 2014

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

) Subcase no.: 63-33875
)
) ORDER GRANTING LATE NOTICE OF
) CLAIM
)
) ORDER GRANTING MOTION TO FILE
) AMENDED NOTICE OF CLAIM
)
) ORDER FOR EXPEDITED LATE
) CLAIM DIRECTOR'S REPORT AND
) SETTING FORTH PROCEDURES AND
) DEADLINES FOR EXPEDITED
) PROCESS
)

On December 10, 2013, James and Lynn Johnston filed a *Motion to File Late Notice of Claim* for the above-captioned water right. On February 28, 2014, James and Lynn Johnston filed a *Motion to File Amended Notice of Claim*. A hearing on the *Motions* was held on March 18, 2014. No party appeared in opposition to the *Motions*. Although Basin 63 has been closed to the taking of non-deferrable late claims, the Court found at the hearing that this claim meets the criteria of a deferrable domestic claim. Therefore good cause has been shown. Additionally, the Court, for the reasons set forth on the record, found good cause and a meritorious position for the *Motion to File Amended Notice of Claim*. At the hearing, it was represented to the Court by the Idaho Department of Water Resources ("IDWR") that, if granted, this late claim would be a candidate for expedited late claim director's reports given the current stage of Snake River Basin Adjudication.

Accordingly, following a review of the file and after hearing the comments made in open court, the Court makes the following findings:

ORDER GRANTING LATE NOTICES OF CLAIM;
ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM;
ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT

1. The *Motion to File Late Notice of Claim* and the *Motion to File Amended Notice of Claim* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to either *Motion*. Although this Court previously entered an *Order* in Basin 63 closing the Basin to the filing of late claims generally, an exception to that *Closure Order* was that late claims could be filed for deferrable domestic and stock water claims. The Court finds that this claim meets the criteria of a deferrable domestic claim. Therefore, good cause exists for granting the instant *Motions*.

2. In limited circumstances it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed. This is on a case-by-case basis and provided IDWR does not oppose preparing and filing an expedited *Late Claims Director's Report*.

3. In this case IDWR does not oppose preparing and filing an expedited *Late Claim Director's Report* for the late claim, given that the final regularly scheduled SRBA late claims director's report was filed December 31, 2013. IDWR represented that it would be able to prepare the expedited *Late Claim Director's Report* in a short time period.

4. This Court therefore finds that under the circumstances the issuance of expedited *Late Claim Director's Reports* for the above-captioned claim is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for water right claim **63-33875** is **granted**.

IT IS HEREBY FURTHER ORDERED that the *Motion to File Amended Notice of Claim* is **granted**. The Amended Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to IDWR for further action.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Late Claim Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the late claim:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file an original of the *Late Claim Director's Report* for the above-captioned water right claim with this Court on or before **April 30, 2014**, and shall distribute for display and review at least one (1) copy of the *Late Claim Director's Report* to the office of the clerk of the district court for each county in which any part of the water system is located, together with a copy of this **Order**. The

Director shall also serve on each claimant or the claimant's attorney a notice of filing of the *Late Claim Director's Report*. Last, the Director shall file with the Court an affidavit demonstrating compliance with the notice requirements of Idaho Code § 42-1411(6).

2. Deadline for the filing of objections to *Late Claim Director's Report*: Any party wishing to file an objection to the *Late Claim Director's Report* may do so on or before **May 30, 2014**.

3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed on or before **June 13, 2014**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the *Partial Decree* as required by I.C. § 42-1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **June 17, 2014, at 1:30 p.m. (Mountain Time)**, at the **Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 1-215-446-0193 and when prompted entering code 406128#.

5. Publication of Notice: The clerk of the court is instructed to publish a notice of the issuance of this order, together with the applicable objection, response and hearing date, on the April 2014 docket sheet.

IT IS SO ORDERED.

Dated March 19, 2014



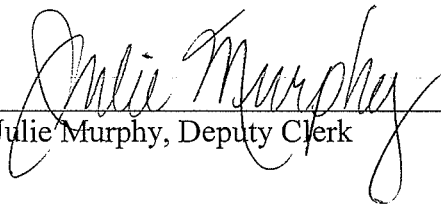
ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER GRANTING LATE NOTICE OF CLAIM / ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM / ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT AND SETTING FORTH PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS**, were mailed on March 19, 2014, by first-class mail to the following:

James & Lynn Johnston
Represented by:
BROMLEY, CHRIS M
380 S 4th Street Ste 103
Boise, ID 83702

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098



Julie Murphy, Deputy Clerk

DEC 10 2013

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 63-33875

Date Received: _____

Receipt No: _____

Received By: _____

Clerk
Deputy Clerk

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

1. Name of Claimant(s) James and Lynn Johnston Phone () _____Mailing Address 2185 ^{East} North Sunset Peak Road Boise ID Zip 83,702
Street or Box City State2. Date of Priority: (Only one per claim) 04/24/1993
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water ☒ or Other ☐ (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 4N, Range 2E, Section 25,
SW 1/4 of SE 1/4, or Govt. Lot _____ BM., County of Ada;
Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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 with pump supplying water to home. The well was deepened in 1996. Attached to the
SRBA Standard Form 4 filed herewith is the original driller report and the deepening report.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/1 to 12/31 amount 0.02 cfs ☒ or AFY ☐

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 cfs ☒ or AFY ☐

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Well serves one home with domestic water and irrigation of
up to 1/2 acres.

9. Location of Place of Use is: Township 4N, Range 2E, Section 25,
SW 1/4 of SE 1/4, Govt. Lot _____ BM. Parcel (PIN) no. 50625438600
If different than shown in Item 4
for (Check One) Domestic ☒ Stock ☐ Domestic and Stock ☐

Additional places of use, if any _____

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

11. Do you own the property listed above as place of use? Yes ☒ No ☐

If the 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.

None (✓) _____

13. Remarks:

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 notice in the Snake River Basin Adjudication." (b.) I/We do ☐ wish to receive do not ☒ and pay a small annual fee for monthly copies of the docket sheet

Number of attachments: _____

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

_____ of _____
Title Organization

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

_____ of _____
Title Organization

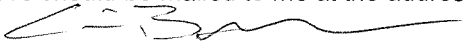
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Chris M. Bromley, 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 12/6/13

Address 380 S. 4th St., Ste. 103, Boise, ID 83702

Last Name Johnston Identification No. _____

Use Typewriter
or
Ball Point Pen

057424

1. DRILLING PERMIT NO. 63-96-W-666-100
Other IDWR No. _____

2. OWNER:

Name Jim Johnston
Address 2185 N Sunset Peak
City Boise State ID Zip 83702

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. 4 North ☒ or South ☐
 Rge. 2 East ☒ or West ☐
 Sec. 25 1/4 SW 1/4 SE 1/4
 Gov't Lot _____ County Ada

Address of Well Site 2185 Sunset Peak
City Boise

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK *design*

☐ New Well ☒ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other :

7. SEALING PROCEDURES

SEA/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☐ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6					☐	☐	☐	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

Perforations Method Torch
Screen Type

From	To	Slot Size	Number	Diameter	Material	Casing	Line
327	527	1/8	1200	4.5	Plastic	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

320 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or
control devices: Sanitary well cap

11. WELL TESTS:

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
25		450	2 h.s

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
6	360	435	Decomposed Granite	Y	
	435	444	Decomposed Granite w/sand	X	
	444	500	Decomposed Granite	X	
✓	500	527	Decomposed Granite w/sand	X	
RECEIVED SEP 24 1996 Department of Water Resources					
RECEIVED OCT 03 1996 Department of Water Resources					
RECEIVED SEP 25 1996 WATER RESOURCES WESTERN REGION					
MICROFILMED DEC 06 1996					
Completed Depth <u>527</u> (Measurable) Date: Started <u>9/6/96</u> Completed <u>9/11/96</u>					

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Riverside Inc Firm No. 333

Firm Official [Signature] Date 9/17/96

and

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
4/92

MAY 15 1993

№ 10 1993

USE TYPEWRITER OR
BALLPOINT PEN

MAY 15 1993 STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT