

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 67-2325
Date Received: 7/20/2011
Receipt No: C094283, X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LES STRONG Phone: (208) 549-0268
700 E COMMERCIAL
WEISER ID USA 83672

2. Date of Priority: 06/10/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	05W	10	SW SW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.39	191

7. Total Quantity Appropriated is:
0.39 C.F.S. and/or 191 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
10N	05W	10	SW SW	IRRIGATION	20
Section Acres					20
Total Acres					20

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

AC. IRR. = 19.5.

| THIS LICENSE HAS BEEN CLAIMED AS A A67-10609 BASIS OF CLAIM IS BU. BASED UPON 1ST USE, AND CONTINUOUS. THE FILING FOR THIS LICENSE WAS DONE FOR DOCUMENTATION ONLY AND WAS NOT REQUIRED BY STATUTE.

License 67-2325 was filed as claim 67-10609 on October 5, 1989, to claim a priority date based on when water was first put to beneficial use, rather than when the application for permit was filed. No evidence of priority was received and 67-10609 was decreed disallowed on 10-23-2008. Now the property owner of the place of use described under 67-2325 wants to file a late claim based on the licensed priority date. If claim is accepted by the court, variable fees paid under M004828.

15. Basis of Claim: License

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CIVIL CASE NUMBER: 39576

Ident. Number 67-2325

Date Received: 7/20/2011

Receipt No: 11-18-2011
CO9 4283

Received By: SBT \$100-

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LES STRONG
700 E COMMERCIAL
WEISER ID USA 83672

Phone: (208)739-6361

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 27 2011	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 06/10/1964

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
10N	05W	10	SW SW		WASHINGTON	

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0.39 C.F.S. and/or 191 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
NOV 18 2011

10. Place of use:

Township	Range	Section 1/4 of 1/4	Lot	Use	Acres
10N	05W	10	SW SW	IRRIGATION	20
Section Acres					20
Total Acres					20

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: *Domestic or stock water use.*

14. Remarks:

15. Basis of Claim: License

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 not wish to receive 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): *Les E. Strong* Date: *7/25/11*

Date: _____

SCANNED
NOV 18 2011

RECEIVED

NOV 18 2011

DEPARTMENT OF
WATER RESOURCES

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

NOV 16 2011

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

Subcase: 67-02325

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

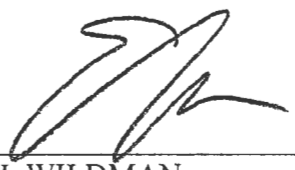
On July 27, 2011, Les Strong filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 15, 2011. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late 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: November 16, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
NOV 18 2011

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 November 16,
2011, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

LES STRONG
700 E COMMERCIAL
WEISER, ID 83672
Phone: 208-739-6361

SCANNED
NOV 18 2011

ORDER

Page 1 11/16/11

FILE COPY FOR 00587

Deputy Clerk

Julio Murphy

11-15-2011

7-27

RECEIVED
JUL 26 2011
DEPARTMENT OF
WATER RESOURCES

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

67-2325

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you 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.

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ACQUIRED UNDER STATE LAW

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LES STRONG
700 E COMMERCIAL
WEISER ID USA 83672

Phone: (208)739-6361

2. Date of Priority: 06/10/1964

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	Type
10N	05W	10	SW SW		WASHINGTON	

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14. Remarks:

15. Basis of Claim: License

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 *LA* wish to receive 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): *Lee C. Strong* Date: *7/25/11*

Date: _____

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (Amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

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

*Department of Water Resources did not
have my correct address*

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this 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 \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this 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 \$ 100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of 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 _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

~~A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.~~

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be complete)

State of Ida.

County of Washington

Kes Strong

(Insert name of person filing form)

, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kes Strong

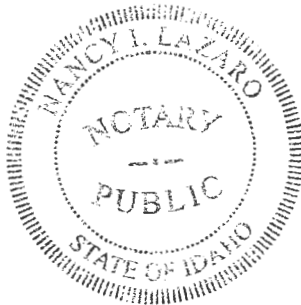
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

July 25, 2011

(Insert Date)



Nancy L. Lazaro

Notary Public for

Idaho

Residing at:

Weiser, Id

My Commission expires:

10/3/13

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 25, 2011, ~~199~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

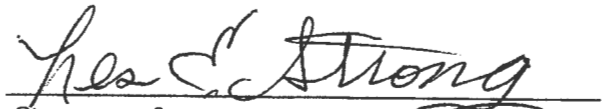
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:



DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 20, 2011

C. L. "BUTCH" OTTER
GovernorGARY SPACKMAN
Interim Director

RECEIVED

JUL 26 2011

DEPARTMENT OF
WATER RESOURCESLES STRONG
700 E COMMERCIAL
WEISER ID USA 83672

Re: Motion to File Late Notice of claim 67-2325

Dear Mr. Strong,

Per our conversation, I am sending you a completed Snake River Basin Adjudication (SRBA) claim for your review. In addition, I have included a partially completed Motion to File Late Notice of Claim form.

Please review the claim and initial any changes you wish to make. When satisfied, sign the SRBA claim and submit it with a completed Motion to File Late Notice of Claim form and the \$100 filing fee. The filing fee is \$50 claim fee and a \$50 late fee. I have crossed out two areas on the form that do not need to be completed.

Please feel free to contact me with any questions.

Respectfully,

Craig L. Saxton
Water Rights Supervisor
(208) 287-4916

SCANNED

JUL 27 2011

WATER LICENSE

Water License No. G-31937/67-2325 Priority June 10, 1964 Amount 0.39 c.f.s.

THIS IS TO CERTIFY, that JAY B. BENNION of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 10, 1964; that Permit G-31937/67-2325 was issued pursuant to said application; that the proposed works were completed on or about May 9, 1969 with a storage/or carrying capacity of 0.77 c.f.s., said works consisting of well, pump, motor, and ditch; and that on May 12, 1969 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 191 acre feet per season, with a maximum rate of diversion of 0.39 cubic feet per second of the waters of ground water, tributary of _____, for the purpose of irrigation from April 1 to October 31; and for stockwater from January 1 to December 31; and for domestic from January 1 to December 31; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 10 N, R. 5 W, B.M., and other additional points _____, in the County of Washington; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 191 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
10 N	5 W	10											19.5						19.5

Total number of acres irrigated 19.5

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of July, 1970.

[Signature]
State Reclamation Engineer

67 2325 31937
7-2325

04/13/2012

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-2325

NAME AND ADDRESS: LES STRONG
700 E COMMERCIAL
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.390 CFS
191.000 AFY

PRIORITY DATE: 06/10/1964

POINT OF DIVERSION:

T10N R05W S10 SWSW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.390 CFS 191.00 AFY

PLACE OF USE: IRRIGATION in WASHINGTON County

T10N R05W S10 SWSW 19.00

19 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

State of Idaho
Department of Water Resources
Adjudication Recommendation

67-2325

April 13, 2012



0 0.045 0.09 0.18 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

