

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 29-490A
Date Received: 10/27/2011
Receipt No: C094567
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PAUL KATSILOMETES Phone: (208) 232-2616
7611 W KATSILOMETES DR
POCATELLO ID USA 83204

SUSAN KATSILOMETES Phone: (208) 232-2616
7611 W KATSILOMETES DR
POCATELLO ID USA 83204

2. Date of Priority: 04/21/1938

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	4	SE SW	BANNOCK	

5. Description of diverting works:

Concrete diversion dam and pipeline to storage pond.

6. Water is used for the following purposes:

A.F.A	Purpose	From	To	C.F.S.	(or)
	IRRIGATION	04/01	10/31	0.07	
	DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	16	SE	NW	IRRIGATION	3.4
			SE	NW	DOMESTIC	
					Section Acres	3.4
					Total Acres	3.4

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

This right is a split of right 29-490.

Parcel Nos. R4013010403, R4013010405 and R401301161

15. Basis of Claim: Decreed

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

**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

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

CIVIL CASE NUMBER: 39576

Ident. Number 29-490
Date Received 2009456
Receipt Number 2009456
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 27 2011
By _____ Clerk
Phone (208) 232-2616 Deputy Clerk

1. Name of Claimant(s) Paul and Susan Katsilometes
Mailing Address 7611 Katsilometes Rd, Pocatello, Idaho Zip 83204
2. Date of Priority (Only (1) per claim) 04-21-1938
3. Source of water supply (a) unnamed stream
which is tributary to (b) sinks
- 4.a. Location of existing point of diversion is:
Township 7S Range 35E Section 4, SW 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____
County of Bannock
Parcel (PIN) No. _____
Additional points of diversion if any: _____
If Available, GPS Coordinates: 42° 50'5.749"N, 112°22'27.009"W
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., 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. Concrete diversion dam and pipeline to storage pond.

6. Water is claimed for the following purposes:
(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 0.07 or _____

For Domestic purposes from 01/01 to 12/31 amount 0.04 or _____

7. Total quantity claimed (a) 1.1 (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.) Domestic: 1 household

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 instruction for standard symbols.

TWP	RNG	SEC	NE				NW				SW				SE				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	16								D 3.4									3.4

Parcel (PIN) no(s). R4013010403, R4013010405, R401301161 Total number of acres irrigated 3.4

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

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.

_____ or None ()

13. Remarks: _____

SCANNED

JAN 7 4 2012

14. Basis of Claim (Check one) Beneficial Use () Posted Notice () License () Permit ()
Decree (✓)

Court Fifth District Decree Date May 28, 1947

Plaintiff v. Defendant Katsilometes v. Jensen and Nedoba

. If applicable provide IDWR Water Right Number 29-490

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 _____ 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

_____ 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 Luke H. Marchant Date 10/25/11

Title and Organization Attorney

16. Notice of Appearance:

Notice is hereby given that I, Luke H. Marchant, will be acting as attorney at law on 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 10/25/11

Address Holden, Kidwell, Hahn & Crapo, P.L.L.C.

PO Box 50130, Idaho Falls, ID 83045-0130

G:\WPDATA\LHM\16469 KATSILOMETES, PAUL\CLAIM.DOCX:cdv

SCANNED

JAN 24 2012

Last Name Katsilometes Identification No. _____

ATTACHMENT 1

SCANNED

JAN 24 2012

①

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

GEORGE D. KATSILOMETES, :

Plaintiff, :

vs. :

JAMES JENSEN and ANNIE JENSEN, :
husband and wife;

LOUIS NEDOBA and KATHERINE :
NEDOBA, husband and wife, :

Defendants. :

.....

DEGREE

*Springs in SE SW, NE SE, SW SE
Sec 4 T7S R3SE and intermittent
stream combine into one natural
channel - P.D. in SE SW Sec. 4*

This cause came regularly on for trial before the Hon.
L. E. Glennon, District Judge, at Pocatello, Bannock County,
Idaho, on the 28th day of May, 1947. Merrill & Merrill,
attorneys at law, appeared for and on behalf of the plaintiff.
F. E. Tydeman, attorney at law, appeared for and on behalf of
the defendants James Jensen and Annie Jensen. The defendants
Louis Nedoba and Katherine Nedoba, husband and wife, having
heretofore disclaimed all interest in this cause, did not appear
either in person or by counsel. Upon motion of the plaintiff,
the Second Cause of Action alleged in plaintiff's complaint was
dismissed. A trial by jury was expressly waived. The cause
thereupon proceeded to trial upon the issues framed by the
complaint of the plaintiff and the answer of the defendants
James Jensen and Annie Jensen thereto. Evidence was thereupon
introduced by and on behalf of the plaintiff, from which it
appears that all of the allegations of plaintiff's complaint
are true and correct and that he is entitled to the relief there-
sought. The defendants did not adduce any evidence. The Court
being now fully advised in the law and the premises, and written
Findings of Fact and Conclusions of Law having been expressly
waived in writing, NOW, THEREFORE:

JAN 24 2012

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AND THIS DOES ORDER, ADJUDGED AND DECREE, as follows:

1. That there is located in the Southeast Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 4, Township 7 South, Range 35, East Boise Meridian, in Bannock County, Idaho, unnamed springs, and an intermittent stream of water flowing thereto and commingling therewith, all of which said waters flow in a natural depression or channel in a southwesterly direction to a point in said Southeast Quarter of the Southwest Quarter of said Section 4 described as being 71°20' East 1625 feet distant from the Southwest corner of said Section 4, Township 7 South, Range 35 East Boise Meridian, at which point there is located and constructed diversion works consisting of a concrete diversion dam and excavations and other means of diverting said waters into a pipe-line which has its intake at said point and extends in a general southerly direction to the lands owned by the plaintiff and hereinafter described.

2. That the predecessors in interest of the plaintiff installed said diversion works and laid said pipe-line and diverted said waters, the actual diversion thereof having occurred on the 21st day of April, 1938.

29 0490 3. That the plaintiff is now, and his predecessors in interest have been since the 21st day of April, 1938, entitled to divert and use, and have diverted and used, all of the waters of said unnamed springs and intermittent stream hereinbefore described, up to 1 cubic foot per second of time, for domestic and culinary uses and for the watering of livestock and irrigation purposes, to and upon the lands owned by him and described as follows, to wit:

the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 16, Township 7 South, Range 35, East Boise Meridian, lying east and north of U.S. Highway No. 91, in Bannock County, Idaho.

4. That said water has been conveyed from said point of diversion above described to the point of use through an imbedded pipe-line over and across lands owned by the defendant James Jensen and Annie Jensen, and other lands, and that the plaintiff is entitled to and has a perpetual easement over and across said land for said pipe-line and conduit for the transfer of said waters, the general course of which said easement over and across the land of said defendants is particularly described as follows, to wit:

Beginning at a point 670 feet East of the Northwest corner of Section 9, Township 7 South, Range 35, East Boise Meridian, thence South 14° West 1360 feet across the Northwest Quarter of the Northwest Quarter of Section 9, Township 7 South, Range 35 East Boise Meridian, thence South 27°30' East 1410 feet across the Southwest Quarter of the Northwest Quarter of Section 9, Township 7 South, Range 35 East Boise Meridian,

with full and complete right of ingress and egress to and upon said lands for the care and maintenance of said easement and adjacent to said pipe line of the pipe-line and conduits/for the transportation of said water, and has likewise the perpetual right in the future for maintaining the same.

5. That none of said defendants have any claim to or right of use of any of the waters of said unnamed springs and intermittent stream hereinbefore describes superior or prior to the right of the plaintiff herein.

6. That the title and right of the plaintiff in and to the use of ^{the} waters of said unnamed springs and intermittent stream hereinbefore described, up to one cubic foot per second of time or 50 miner's inches, with a date of priority of April 21, 1938, with the point of diversion as hereinbefore recited and an easement or right of way for transporting said water from said point of diversion over and across ^{said} the/lands of said defendants, and

other lands to and upon the lands of the plaintiff, are hereby
quieted in the plaintiff George D. Katsilometes and against any
and all claims of the defendants or any of them, and said
defendants, and each of them, and their respective heirs,
executors, administrators and assigns, are hereby forever en-
joined and debarred from molesting, interrupting or in anywise
interfering with the right of the plaintiff to the use of said
waters and the transmission thereof across the lands hereinbefore
described.

Dated this 28 day of May, 1947.

L. E. Glennon

DISTRICT JUDGE

FILED
Anna Keefe
Clerk, Auditor & Recorder
Bannock County, Idaho
May 28 1947 11 28AM

SCANNED

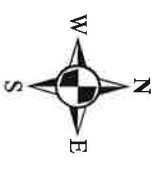
JAN 7 4 2012

ATTACHMENT 2

SCANNED
JAN 24 2012

KATSILOMETTES LATE CLAIM - Water Right No. 29-490

OWNED
4 2012



Decreed POD

Property Line

Decreed POU

Claimed POU

Section Lines

Quarter Quarters

Legend



2011 NAIP Photo

Prepared by:
Luke H. Marchant

Saxton, Craig

From: Bromley, Chris
Sent: Tuesday, January 17, 2012 1:56 PM
To: Saxton, Craig
Cc: Williams, Ray
Subject: 29-490A (Katsilometes)

Craig,

J. Wildman granted this late claim. I informed J. Wildman that he will be hearing the competing claims for 29-490B in February.

We'll want to make sure to track 29-490A (Paul and Susan Katsilometes) with 29-490B (Tom Katsilometes). Both are claiming the same water and priority date.

Chris