

11/14/2008

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

RIGHT NUMBER: 23-11E
NAME AND ADDRESS: VALERIE WILLIAMS
5081 E 129 N
IDAHO FALLS ID 83401
LAURIE M WILLIAMS
5081 E 129 N
IDAHO FALLS ID 83401
GREGORY WILLIAMS
5081 E 129 N
IDAHO FALLS ID 83401

SOURCE: PALISADES CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 1.120 CFS
PRIORITY DATE: 08/15/1893
POINT OF DIVERSION:

T01N R44E S26 SWSWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.120 CFS

PLACE OF USE: IRRIGATION in BONNEVILLE County

T01N R44E S21	SWNE	15.00	T01N R44E S21	SENE	21.00
---------------	------	-------	---------------	------	-------

36 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 - Decreed

Water is delivered through Palisades Canal.

Use of this right is combined with water from The Palisade Irrigation Co.

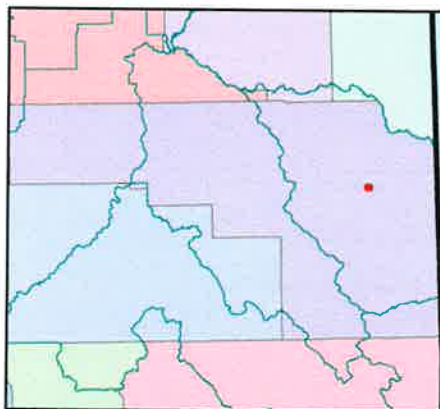


Idaho Department of Water Resources

SRBA Recommendation
23-11E
(IRRIGATION)

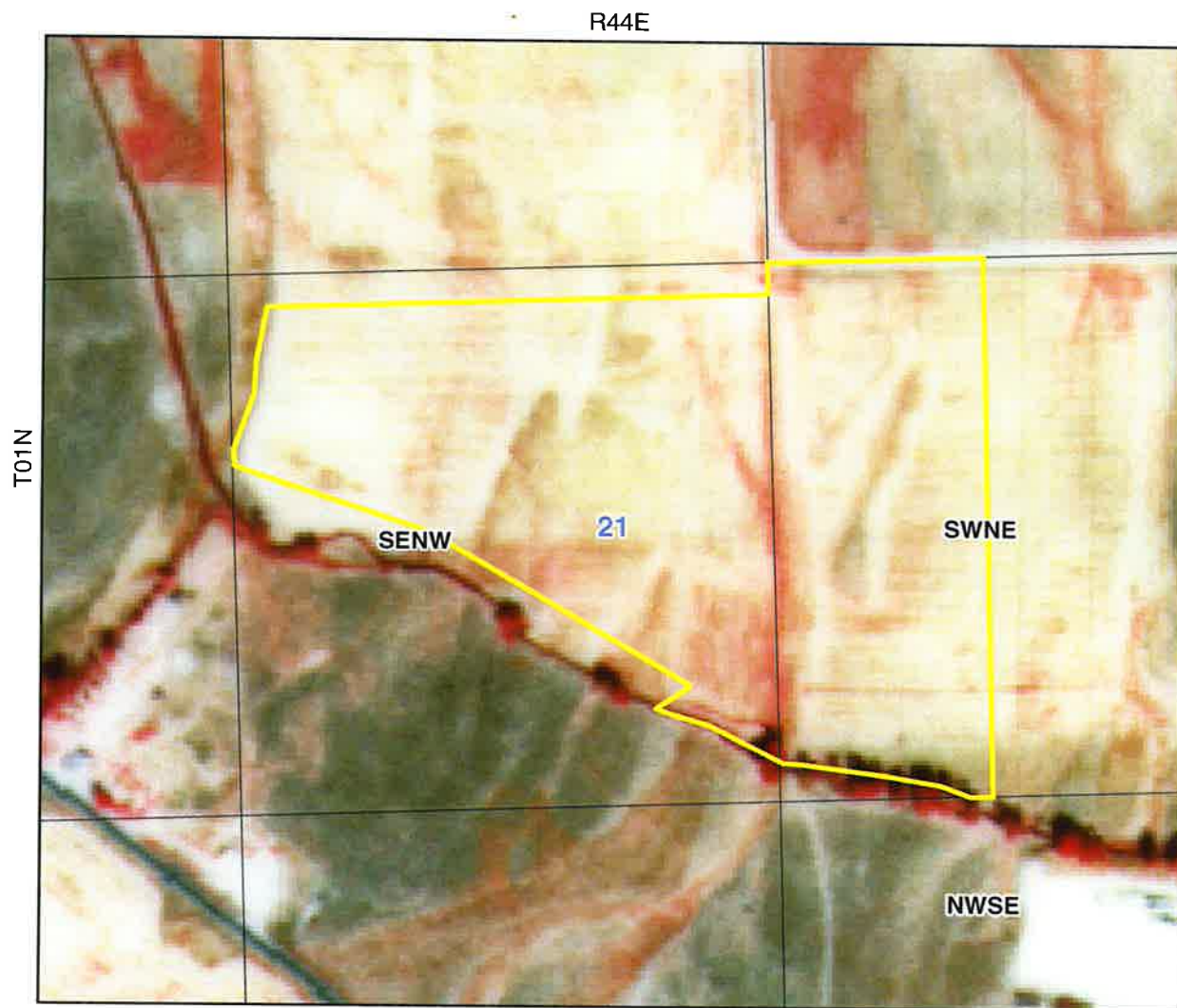
Legend

-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Bonneville County
IDWR Basin 23

Prepared by Michael Holliday
On November 14, 2008
1987/88 Aerial Photography



0 0.05 0.1 0.2
Miles

Claim No(s). 23-11E

Claim No(s). 23-11E

[illegible]



State of Idaho

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 29, 2008

LAURIE M, VALERIE AND GREGORY WILLIAMS
5081 E 129 N
IDAHO FALLS ID 86401

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #23-11E

Dear Claimants:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed receipt #C086944 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state
Enclosure:

Receipt Referenced Above

SCANNED

MAY 28 2008

CLAIMANT'S NAME	<u>Williams, Laurie M., Valerie, Gregory</u>		CLAIM IDENT. NO.	<u>23-11E</u>	
DATE RECEIVED	<u>2-7-08</u>	#	<u>—</u>	AMOUNT \$	<u>\$292.⁰⁰</u>
				YES	NO Required Info?
1. Is the name and address complete with zip code?				☒	☐ *
2. Is a priority date entered?				☒	☐ *
Is the priority date acceptable in view of mandatory filing dates?				☒	☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required.				☒	☐ *
3. (a) Is a source entered?				☒	☐ *
(b) Is a tributary to entered? (if required)			N/A ☒	☒	☐
4. Is the legal description of the p.d. sufficient?				☒	☐ *
5. Is there a description of the diverting works?				☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.				☒	☐ *
Is the period of use included?				☒	☐
Is a quantity claimed for each use?				☒	☐ *
7. Is a total quantity claimed entered?				☒	☐
8. If required is a consumptive use entered?			N/A ☒	☐	☐
Is the consumptive use correct?				☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.				☒	☐ *
				☐	☐
10. Is (are) the place(s) of use and purpose(s) indicated?				☒	☐ *
11. Is (are) the county(ies) entered?				☒	☐
12. Is the ownership of p.u. checked?				☒	☐
13. Are other water rights listed or "none" indicated?				☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)				☒	☐
				☐	☐
15. Is the basis of the claim indicated?				☒	☐
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)				☒	☐
				☐	☐
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.				☒	☐ *
18. Has the claim been signed, sealed, and dated by a notary?				☒	☐ *
19. Was this claim filed on time, or was an extension granted?				☒	☐ *
20. Is the fee enclosed correct? <u>e. Court</u>				☒	☐ *
21. If this claim is based on an existing water right, has the identification number been entered?				☒	☐
				☐	☐
22. Should this claim be data entered?				☒	☐

Claim checked by: P. Sherrin Date: 2-7-08

Claim must be returned to claimant: (Yes) / (No)

Claimant must be notified of modifications: (Yes) / (No)

Receipt Prepared by: _____ Date: _____

Claim data entered by: _____ Date: _____

Sent to claimant by: _____ Date: _____

Checked by: _____ Date: _____

Comments: _____

RECEIVED

FEB 07 2008

DEPARTMENT OF
WATER RESOURCES

Hearing is 5-20-08

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

23-11E

)

(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.

SCANNED

FEB 07 2008

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

My name is Laurie M.

Williams _____

My address is __5081E 129N Idaho Falls ,Idaho
83401 _____

My phone number is: Work 208-317-8349 _____ Home 208-529-
6980 _____

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:

We were not aware of the how the adjudication process worked. When the property was purchased, we were of the understanding there were water certificates which came with the property. The previous owner did irrigate the property by pumping water from the Palisades Canal to wheel lines. We contacted the IDWR and found the water rights were less than defined on the Palisades Canal. At that time we were told the water rights did not exist. When I received notification of claim by another party, we contacted the IDWR. The water is available for the property and we therefore requesting a hearing.

☐ 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.)

SCANNED

FEB 07 2008

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 \$272.00.

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:

SCANNED

FEB 07 2008

VERIFICATION (Must be completed)

State of IDAHO

County of Bonneville

LAURIE M. WILLIAMS being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Laurie M. Williams
Signature of person filing motion

N/A
Attorney signing in representative capacity

Subscribed and sworn to before me on _____
(Insert Date)



Gail M. Chambers 2-5-08
Notary Public for Basic American Foods
Residing at: 6772W 3200 S Reeburg, Id. - Madison County
My Commission expires: 01-12-2010

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 2-5, 2008, 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:

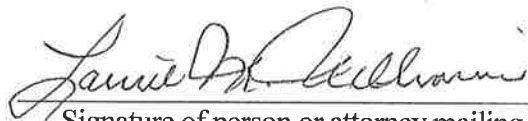
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

RE THE GENERAL ADJUDICATION
RIGHTS TO THE USE OF WATER FROM
SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 23-11E
Date Received: 11/6/2007
Receipt No:
Received By: MWH

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

1. Name of Claimant(s)

VALERIE WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

LAURIE M WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

GREGORY WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type

01N 44E 26 SW SE BONNEVILLE

5. Description of diverting works:

PALISADES CANAL TO LATERAL DITCH TO WHEEL LINES.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S,
04/15 10/31 1.19

(or) A.F.A

Total Quantity Appropriated is:
1.19 C.F.S.

SCANNED

FFP 07 2008

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	44E	21	SW NE	IRRIGATION	15
			SE NW	IRRIGATION	21
				Section Acres	36
				Total Acres	36

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM IN TEMPORARY STATUS AWAITING ACCEPTANCE BY SRBA COURT.

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.

SCANNED

FFS SCANNED

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *James M. Williams* Date: 2-5-08_____
Date: __________
Date: _____

State of Idaho

County of Madison)

) SS.

Subscribed and sworn (or affirmed) before me this day

Of Feb 5 2008*L. Chambers*

Notary Public

Residing at 6772 W 3200 S Rexburg, ID.My commission Expires 1-12-2010

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

RE THE GENERAL ADJUDICATION
RIGHTS TO THE USE OF WATER FROM
SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number
Date Received:
Receipt No:
Received By:

23-11E
11/6/2007
C086944
MWH

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

1. Name of Claimant(s)

VALERIE WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

LAURIE M WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

GREGORY WILLIAMS Phone: (208)529-6980
5081 E 129 N
IDAHO FALLS ID USA 83401

2008 FEB 6 PM 10 09
FILED
DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

2. Date of Priority: 08/15/1893

3. Source: PALISADES CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	44E	26	SW SE	BONNEVILLE	

5. Description of diverting works:

PALISADES CANAL TO LATERAL DITCH TO WHEEL LINES.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.,
04/15 10/31 1.19

(or) A.F.A

Total Quantity Appropriated is:
1.19 C.F.S.

SCANNED

MAY 22 2008

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	44E	21	SW NE	IRRIGATION	15
			SE NW	IRRIGATION	21
				Section Acres	36
				Total Acres	36

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM IN TEMPORARY STATUS AWAITING ACCEPTANCE BY SRBA COURT.

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.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Jane M. Williams* Date: 2-5-08_____
Date: __________
Date: _____

State of Idaho)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this day

Of Feb. 5 2008*Gail M. Chambers*

Notary Public

Residing at 6772 W 3200 S Rexburg, ID.My commission Expires 1-12-2010**SCANNED****MAY 22 2008**

RECEIVED

MAY 22 2008

DEPARTMENT OF
WATER RESOURCES

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

MAY 21 2008

By

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: 23-00011E

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

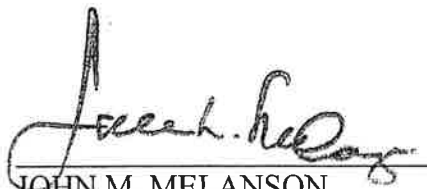
On February 6, 2008, Laurie M. Williams, Valerie Williams and Gregory Williams filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on May 20, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 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 May 21, 2008.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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 May 21, 2008, with sufficient first-class postage to the following:

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

GREGORY WILLIAMS
LAURIE M WILLIAMS
VALERIE WILLIAMS
5081 E 129 N
IDAHO FALLS, ID 83401
Phone: 208-529-6980