

03/09/2005

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

RIGHT NUMBER: 35-13494
NAME AND ADDRESS: ZANE CLEMENT
253 N 1000 W
BLACKFOOT ID 83221

LARRY J CLEMENT
780 W HWY 26
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
40.0 AFY

Use of this right with Right No. 35-7193 is limited to a total combined diversion rate of 2.44 cfs.

PRIORITY DATE: 12/10/1971

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T02S R34E S14 NWSESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS 40.0 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R34E S14	SWSE	31.0	T02S R34E S14	SESE	39.0
T02S R34E S23	NENE	38.0	T02S R34E S23	NWNE	37.0
T02S R34E S23	SWNE	4.4	T02S R34E S23	SENE	6.6

156 ACRES TOTAL

Use of this right with Right No. 35-7193 is limited to the irrigation of a combined total of 156 acres in a single irrigation season

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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 35-7193 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM PEOPLES CANAL & IRRIGATION CO.

THIS RIGHT IS FOR AN ENLARGEMENT OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Water Right 35-13494

1

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 35-13494

WATER RIGHT NUMBER: 35-13494

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZANE CLEMENT 253 N 1000 W BLACKFOOT, ID 83221 (208)-684-4879
Current Owner	LARRY J CLEMENT 780 W HWY 26 BLACKFOOT, ID 83221 (208)684-4287

Priority Date: 12/10/1971

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.200 CFS	48.60 AF
	<u>Total Diversion:</u>	0.200 CFS	48.60 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 14, Twp 02S, Rge 34E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	34E	14															30.0	34.0	64.0
02S	34E	23	34.0	37.0	9.0	12.0													92.0

Total Acres: 156

Conditions of Approval:Remarks:

1. Explanatory Enlargement claim based on license 35-07193

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Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 35-13494

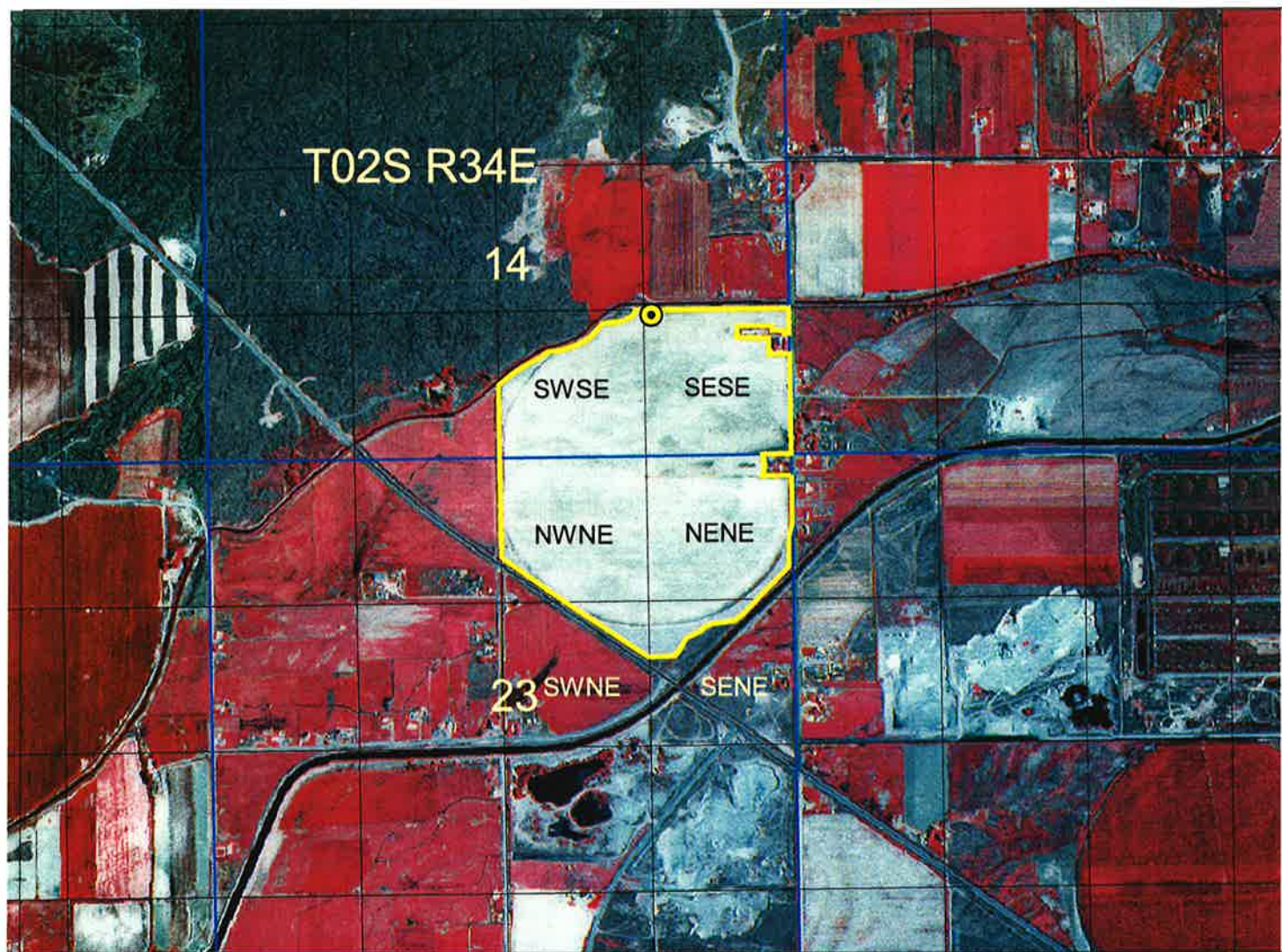
Comments:

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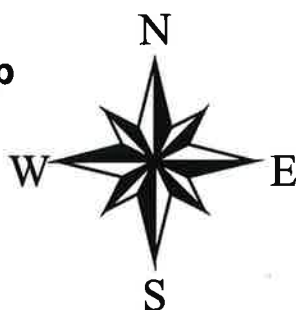
Idaho Department of Water Resources

Claim No.: 35-13494



0 1320 2640 3960 5280 Feet

-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: February 2005

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2004 MAY 25 AM 10: 02

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J. IDAHO

**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

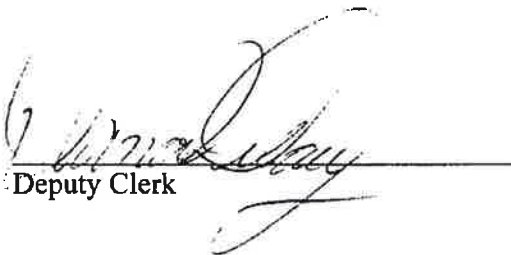
Water Right Claim: 35-13494

NOTICE CHANGING HEARING LOCATION

On March 22, 2004, Claimant Zane Clement filed a *Standard Form 4 Motion to File Late Notice of Claim*. Page 3 of the *Motion* indicated that hearing on the *Motion* would be held July 20, 2004 at 1:30 pm at the Bonneville County Courthouse. Due to the Court's travel schedule, the **location of this hearing has changed**.

NOTICE IS GIVEN that the hearing on the *Motion to File Late Notice of Claim* will be heard **July 20, 2004, at 1:30 pm at the Snake River Basin Adjudication Courthouse, 253 – Third Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 918-583-3445 and when prompted entering the code 406128.

DATED May 25, 2004.


Deputy Clerk

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CERTIFICATE OF MAILING

I certify that a true and correct copy of the **NOTICE CHANGING HEARING LOCATION** was mailed on May 25, 2004, with sufficient first-class postage to the following:

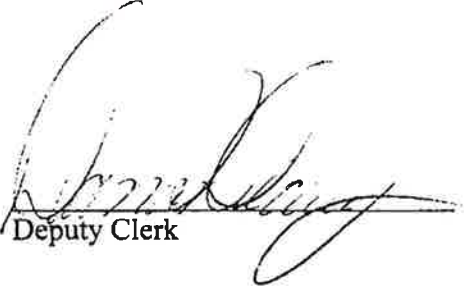
Zane Clement
253 N 1000 W
Blackfoot, ID 83221

Larry J Clement
780 W Hwy 26
Blackfoot, ID 83221

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Deputy Clerk

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OCT 11 2005

September 29, 2004

ZANE CLEMENT
253 N 1000 W
BLACKFOOT ID 83221

LARRY J CLEMENT
780 W HWY 26
BLACKFOOT ID 83221

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #35-13494

Dear Claimants:

Your Notice of Claim to a Water Right referenced above was received from the SRBA Court recently.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Please notify us in writing if your address changes or if there is a change in ownership of your property and water right.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region

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7001 JUL 22 PM 3: 57

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

**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

)
)
) **ORDER GRANTING MOTION TO FILE**
) **LATE NOTICE OF CLAIM**
)

) **For water right: 35-13494**
)

On March 22, 2004, Claimants Zane Clement and Larry Clement filed a *Motion to File Late Notice of Claim* for the above water right. No fees were enclosed with the *Motion*. On July 20, 2004, a hearing was held on the *Motion*, and Mr. Zane Clement appeared. No other parties appeared to oppose the *Motion*.

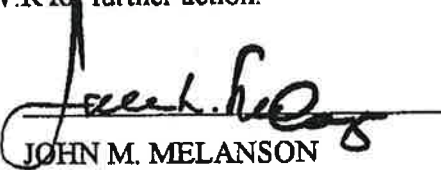
Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted.

At the hearing, the Court informed Mr. Zane Clement the Claim would be allowed if the Claimants pay the required fees to the Idaho Department of Water Resources. The Court informed Mr. Zane Clement to contact IDWR to determine the correct amount to be paid.

Therefore, IT IS ORDERED, that the above water right is hereby allowed to proceed as a claim, PROVIDED the Claimants pay the required fees as determined by IDWR and show proof of the payment to the Clerk of the SRBA Court.

Upon proof of payment of fees, the Court will forward the original Notice of Claim and a copy of this *Order* to the I.D.W.R for further action.

Dated: July 22, 2004


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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FILED

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 July 22, 2004, with sufficient first-class postage to the following:

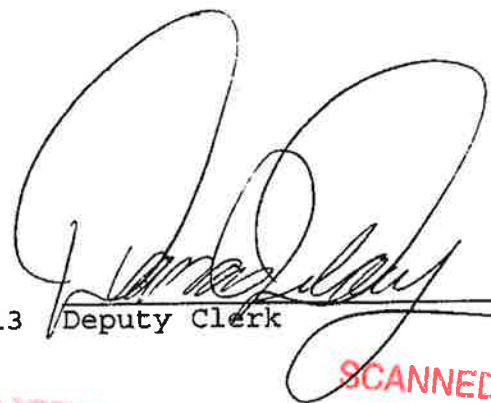
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ZANE CLEMENT
253 N 1000 W
BLACKFOOT, ID 83221
Phone: 208-684-4879

LARRY J CLEMENT
780 W HWY 26
BLACKFOOT, ID 83221
Phone: 208-684-4287

ORDER GRANTING LATE CLAIM

Page 1 7/22/04 FILE COPY FOR 02213 Deputy Clerk



PROFILE

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www.idwr.
state.id.us

- Snake River basin
- SRBA court

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 35-13494
) (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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☒ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is Zane Clement

My address is 253 N 1000 W Blackfoot,
Idaho 83221

My phone number is: Work 313-2316 Home 684-4879

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:

Illness, Farm sell

☐ 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.)

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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 \$ 112.

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 _____

July 20, 04
(Insert Date and Time)

1:30

Bonneville Co
Courthouse

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:

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VERIFICATION (Must be completed)

State of Idaho

County of Bingham

Zane Clement, 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.

Signature of person filing motion

Attorney signing in representative capacity.



described and sworn to before me on

5/9/2004

(Insert Date)

Notary Public for

Residing at:

My Commission expires:

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.

PROFILER

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OCT 11 2005

CERTIFICATE OF MAILING

I certify that on 3-18-04, 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:

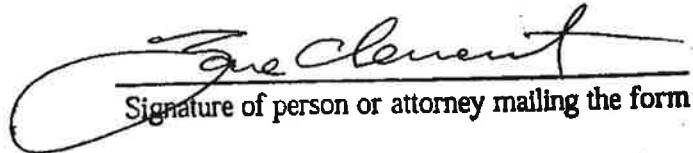
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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OCT 11 2005

RECEIVED

MAR 22 2004

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

CIVIL CASE NUMBER: 39576

Ident. Number 35-13494
Date Received: 3/9/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

ZANE CLEMENT Phone: (208)684-4879
253 N 1000 W
BLACKFOOT ID USA 83221

LARRY J CLEMENT Phone: (208)684-4287
780 W HWY 26
BLACKFOOT ID USA 83221

2. Date of Priority: 12/10/1971

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	34E	14	NW SE SE	BINGHAM	

5. Description of diverting works:

Swing boom on a pivot

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.2	48.6

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 48.6 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
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35-13494

03/09/2004

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02S	34E	14	SE	SE	IRRIGATION	34
			SW	SE	IRRIGATION	30
					Section Acres	64
02S	34E	23	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	37
			SE	NE	IRRIGATION	12
			SW	NE	IRRIGATION	9
					Section Acres	92
					Total Acres	156

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

Enlargement claim based on license 35-07193

15. Basis of Claim: Beneficial Use

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): Larry Clement Date: 3/9/04
Eve Clement Date: 3-9-04

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 June 2004
of Maz



Notary Public
Residing at Rigby, Id
My commission Expires 2/26/2008