

02/14/2007

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

RIGHT NUMBER: 35-13554
NAME AND ADDRESS: ROBERT F UNDERWOOD ESTATE
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.320 CFS
268.000 AFY

PRIORITY DATE: 04/01/1956

POINT OF DIVERSION:

T05S R31E S4 SWSESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
1.320 CFS
268.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R31E S04 SWSE 34.00 T05S R31E S04 SESE 33.00

67 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 - Beneficial Use

More than what
was claimed



Idaho Department of Water Resources

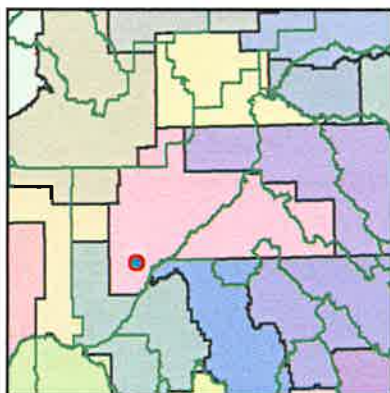
SRBA Recommendation:

35-13554

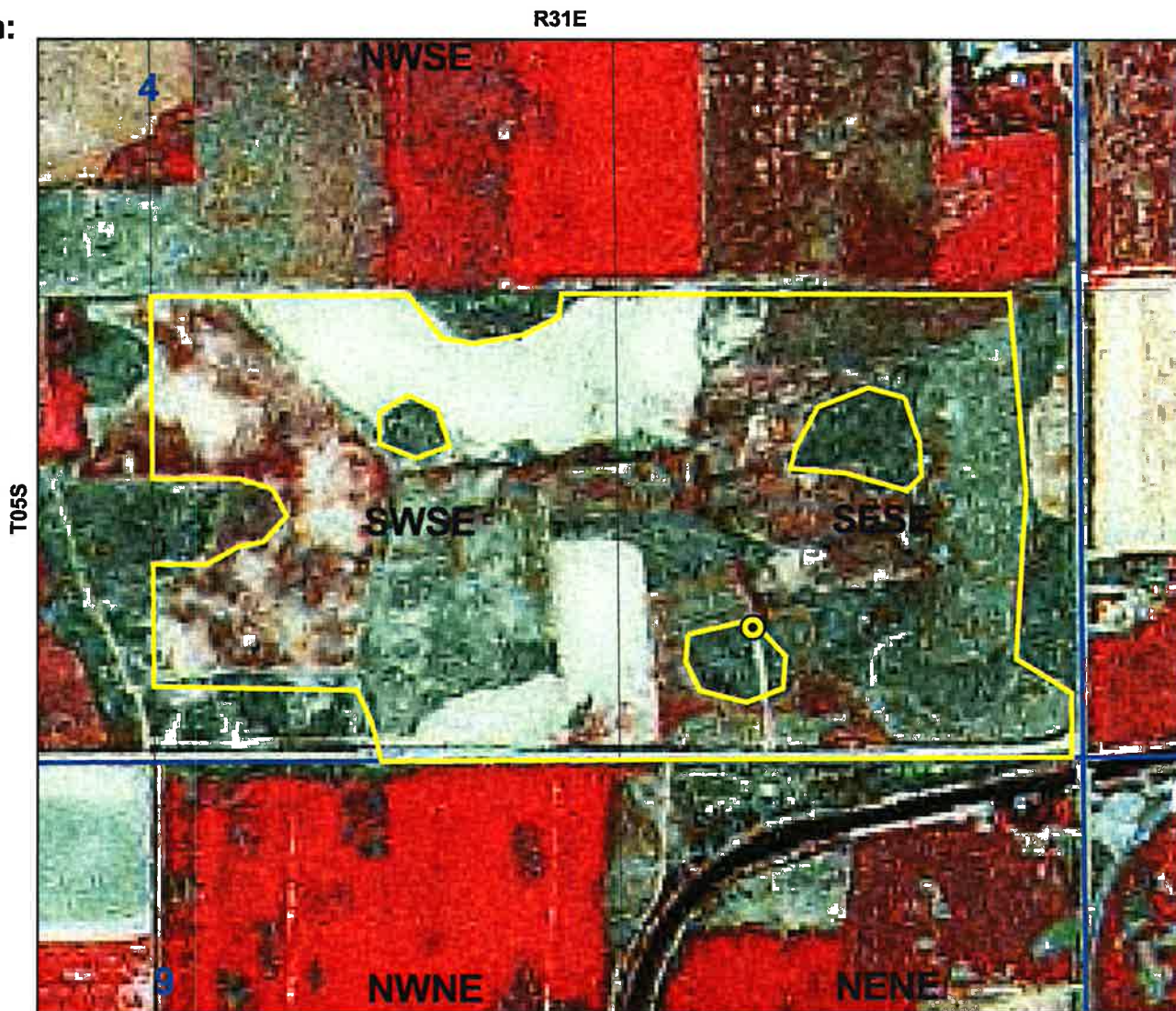
(Irrigation)

Legend

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



Bingham County
IDWR Basin 35



Prepared by A. Golart
On Wednesday, February 14, 2007
1987/88 Aerial Photography



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

COPY

July 26, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

DIANA DELANEY
SNAKE RIVER BASIN ADJUDICATION DISTRICT COURT
PO BOX 2707
TWIN FALLS, IDAHO 83303-2707

RECEIVED

JUL 30 2007

Department of Water Resources
Eastern Region

Re: Snake River Basin Adjudication (SRBA)
Recommendations #35-13554 and #35-13565

Dear Diana,

Two clerical errors have been discovered by IDWR staff for two recommendations reported in the Director's Report filed April 27, 2007, for late and miscellaneous claims. Objections were not filed to the two recommendations.

The nature of the error on each of the enclosed Amended Director's Reports are noted by overstrike and underscore in the case of 35-13554 and underscore for the omission of the combined acres in 35-13565. The quantity for 35-13554 is reduced to correct the typographical error to the amount of water claimed.

I trust these corrections will be incorporated into the partial decrees barring any intervening actions before that final event for these water rights. You will see the parties have received copies of these amended recommendations.

Regards,

Donald V. Shaff, MPA
Adjudication Bureau Chief

Enclosures

- C: Sandra and Terrell Yancey w/Enclosures
- Robert F. Underwood Estate w/Enclosures
- Velia de Giulio w/Enclosures
- State of Idaho w/Enclosures
- United States w/Enclosures
- ✓ IDWR Eastern Region w/Enclosures

SCANNED

JUL 31 2007

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13554

NAME AND ADDRESS: SANDRA YANCEY
1226 S 2700 W
ABERDEEN ID 83210

TERRELL YANCEY
1226 S 2700 W
ABERDEEN ID 83210

ROBERT F UNDERWOOD ESTATE
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~1.320~~ 1.220 CFS
268.00 AFY

PRIORITY DATE: 04/01/1956

POINT OF
DIVERSION:

T05S R31E S4 SWSESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

~~1.320~~ 1.220 CFS
268.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R31E S04

SWSE

34.00

T05S R31E S04

SESE

33.00

67 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 - Beneficial Use

SCANNED

JUL 31 2007

07/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13565

NAME AND ADDRESS: VELIA DE GIULIO
1643 W 500 S
PINGREE ID 83262

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS
428.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.57 cfs and to a total combined annual diversion volume of 744 AF. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.

PRIORITY DATE: 09/11/1950

POINT OF
DIVERSION:

T03S R33E S20 SWSE 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	1.500 CFS 428.00 AFY
PLACE OF USE:	<u>IRRIGATION in BINGHAM County</u>		
	T03S R33E S20 NESE 40.00	T03S R33E S20 NWSE 40.00	
	T03S R33E S20 SWSE 39.00	T03S R33E S20 SESE 39.00	
	T03S R33E S29 NENE 28.00		

186 ACRES TOTAL

This right is limited to the irrigation of 107 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 186 acres in a single irrigation season. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.

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 - Beneficial Use

Right No. 35-13566 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

SCANNED

JUL 31 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 18, 2007

ROBERT F UNDERWOOD
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

RE: Notice of Change of Water Right Ownership (NCO) for 35-13553 & 35-13554 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On March 21, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist 2

Enclosure

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)

Water Rights: 35-13553 & 35-13554

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

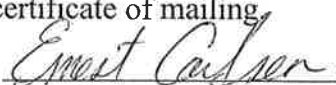
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party UNDERWOOD ESTATE-UNDERWOOD ESTATE & YANCEY
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 21 June 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 25, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
ROBERT F. UNDERWOOD ESTATE
C/O JEFF UNDERWOOD P.R.
360 KURTWOOD PL.
POCATELLO, ID 83201

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
ROBERT F. UNDERWOOD ESTATE
C/O JEFF UNDERWOOD P.R.
360 KURTWOOD PL.
POCATELLO, ID 83201

TERRELL AND SANDRA YANCEY
1226 S 2700 W
ABERDEEN, ID 83210

4. One copy to:

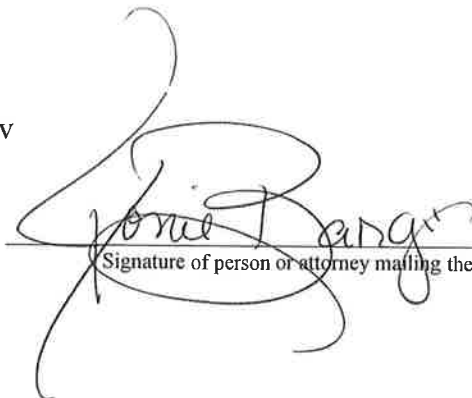
Each party in the subcase, or attorney of record
RANDALL C BUDGE
PO BOX 1392
POCATELLO, ID 83205

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

06/18/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-13554
NAME AND ADDRESS: SANDRA YANCEY
1226 S 2700 W
ABERDEEN ID 83210

TERRELL YANCEY
1226 S 2700 W
ABERDEEN ID 83210

ROBERT F UNDERWOOD ESTATE
C/O JEFF UNDERWOOD PR
360 KURTWOOD PL
POCATELLO ID 83201

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.320 CFS
268.00 AFY

PRIORITY DATE: 04/01/1956

POINT OF
DIVERSION: T05S R31E S4 SWSESE 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	1.320 CFS 268.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T05S R31E S04	SWSE	34.00	T05S R31E S04	SESE	33.00
67 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 - Beneficial Use

RECEIVED

Form No. 42-1409 (2) a 1/88

DEC 22 2006

IN THE DISTRICT 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 35-13654

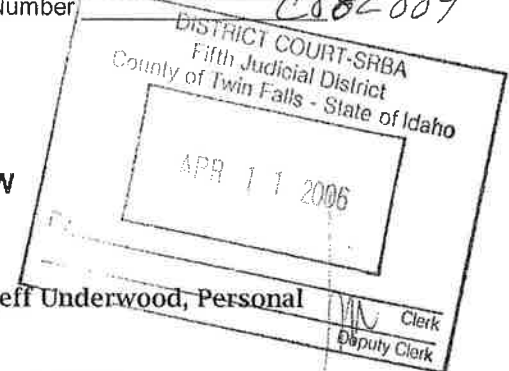
Date Received

Receipt Number

Department of Water Resources

Cd 82 889

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



Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83201**
2. Date of Priority (only one (1) per claim) **4-1-1956**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
SW ¼ of SE ¼ of SW ¼, gov't lot B.M., County of **Bingham**
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , ¼ of ¼ of ¼
Gov't lot B.M., county of
Ending point is:
Township Range Section , ¼ of ¼ of ¼
Gov't 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.
15 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

6. Water is claimed for the following purposes:

For **irrigation** purposes from **4/1** to **11/1** amount **1.22** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **1.22** cfs and/or (b) **4** acre-feet per acres

8. Total consumptive use claimed is ^{273.96}~~836~~ acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

10. 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 instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	31E	4										2.49		2.0			30	34	68.49

Total number of acres irrigated **68.49**

11. In which county (ies) are lands listed above as place of use located? **Bingham County**

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name Underwood Ident No. 35-13554

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13554

15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date

v.

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

Signature of Claimant (s) Jeff Underwood Date 7 Apr. 2006

Date _____

For Organizations:

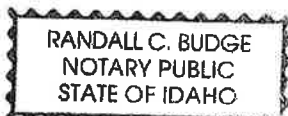
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
ss

Subscribed and sworn (or affirmed) before me this 7 day of April 2006



Notary Public Randall C. Budge

Residing at Pocatello, ID.

My Commission Expires 10/11/2006

17. Notice of Appearance
Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge

Address P.O. Box 1391 Pocatello, ID. 83201

Date 4/7/06

Last Name Underwood Ident No. 35-13554

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 20 2006	
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

) For water right: 35-13553, 35-13554

Case No. 39576

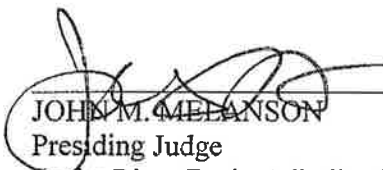
) ORDER GRANTING MOTION TO FILE
) LATE NOTICES OF CLAIMS
)

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, 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.

Dated December 14, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.underwood.doc

Page 1

Last printed 12/20/2006 9:14:00 AM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December
20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 12/20/06

FILE COPY FOR 02221 Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13584





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 28, 2006

RANDALL C BUDGE
RACINE OLSON NYE BUDGE & BAILEY CHTD
PO BOX 1391
POCATELLO ID 83204-1391

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #35-13553 and 35-13554
Your Client: Robert F. Underwood Estate

Dear Mr. Budge:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipt #C082889 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region
Enclosure: Receipt #C082889
C: Jeff Underwood w/o Enclosure

SCANNED
DEC 27 2006

IMS
Claim No(s). 35-13 554

Claim No(s).

35-13 554

SCANNED
AUG 8 1 2007

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

Hp = Horsepower = 15

Eff = Efficiency = .60 (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 60 ft.

Assumed Draw down = + — ft.

Lift = 60

OR

Measured Dynamic Water Level = — ft.

psi = Operating Pressure = 0 psi *open discharge*

$$Q_{cfs} = \left[\frac{15}{Hp} \times 8.814 \times \frac{.6}{Eff} \right] \div \left[\frac{60}{Lift} + \left(\frac{—}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{79.3}{—} \right] \div \left[\frac{.6}{—} \right]$$

$$Q_{cfs} = \underline{1.32} \text{ cfs}$$

PERMIT NO. —

SCANNED

AUG 01 2007

RECEIVED

Form No. 42-1409 (2) a 1/88

DEC 22 2006

IN THE DISTRICT 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

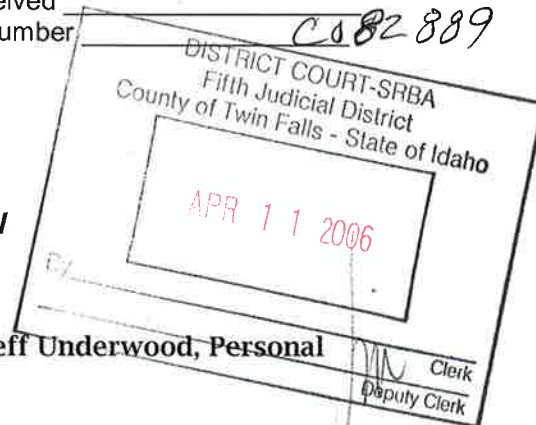
CIVIL CASE NUMBER: 39576 Department of Water Resources

Ident. Number 35-13654 d.e. m 12-27-06

Date Received

Receipt Number C-82889

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



Please type or print clearly

1. Name of Claimant (s) **Robert F. Underwood Estate c/o Jeff Underwood, Personal Representative**
Phone **208-232-2837**
Mailing Address **360 Kurtwood Place, Pocatello, Idaho Zip 83201**
2. Date of Priority (only one (1) per claim) **4-1-1956**
3. Source of water supply (a) **Ground water**
Which is tributary to (b)
4. a. Location of existing point of diversion is: Township **5S** Range **31E** Section **4**
SW 1/4 of SE 1/4 of SW 1/4, gov't lot B.M., County of Bingham
Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:
Township Range Section , 1/4 of 1/4 of 1/4
Gov't lot B.M., county of
Ending point is:
Township Range Section , 1/4 of 1/4 of 1/4
Gov't 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.
15 hp electric motor and centrifugal pump into open ditches, flood irrigated with canvas portable dams.

SCANNED

DEC 26 2006

6. Water is claimed for the following purposes:

For **irrigation** purposes from **4/1** to **11/1** amount **1.22** cfs or **4** acre-feet per acre

7. Total quantity claimed (a) **1.22** cfs and/or (b) **4** acre-feet per acres

8. Total consumptive use claimed is ~~83.5~~ ^{273.96} acre-feet per annum.

9. Non-irrigation uses; described fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc)

10. 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 instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NE ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5S	31E	4										2.49		2.0			30	34	68.49

Total number of acres irrigated **68.49**

11. In which county (ies) are lands listed above as place of use located? **Bingham County**

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
None

14. Remarks:

See supporting Affidavit of Jeff Underwood, son and personal representative of Robert F. Underwood, deceased.

Last Name Underwood Ident No. 35-13554

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Last Name Underwood Ident No. 35-13554

SCANNED
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15. Basis of claim (check one) Beneficial use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
v.

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

Signature of Claimant (s) Jeff Underwood

Date 7 Apr 2006

Date _____

For Organizations:

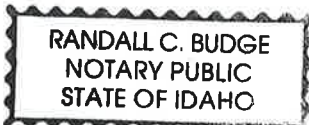
I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Bannock)
SS

Subscribed and sworn (or affirmed) before me this 7 day of April 2006



Notary Public Randall C. Budge

Residing at Pocatello, ID.

My Commission Expires 10/11/2006

17. Notice of Appearance
Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge

Address P.O. Box 1391 Pocatello, ID. 83201

Date 4/7/06

Last Name Underwood Ident No. 35-13554

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DEC 26 2006

- RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 20 2006	
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

For water right: 35-13553, 35-13554

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

On April 11, 2006, Claimant The Robert F. Underwood Estate, c/o Jeff Underwood, personal representative, filed *Motions to File Late Notices of Claims to Water Rights* in the above two subcases. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on July 24, 2006 by the Presiding Judge of the SRBA. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notices of Claims* for water rights 35-13553 and 35-13554 be **granted**.

The original *Notices of Claims*, 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.

Dated December 14, 2006

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

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DEC 26 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICES OF CLAIMS was mailed on December 20, 2006, with sufficient first-class postage to the following:

ROBERT F UNDERWOOD ESTATE

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

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

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ORDER

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FILE COPY FOR 02221

Deputy Clerk

Handwritten signature of Julie Murphy in cursive script, written over a horizontal line.