



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

April 23, 2008

ROBERT L PETERS
JUDITH A PETERS
1084 ROCK CK RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA) late notice of claim 67-14921

Dear Mr. and Ms. Peters,

Per my conversation with Mr. Peters on April 21 and 22, 2008, I am writing to not only summarize my involvement with claim 67-14921, but to explain in more detail, the adjudication process, as well as discuss the options I see in relation to the water use claimed under SRBA claim 67-14921.

Note that I did speak with Jan Shurte briefly on 4-23-08 and she mentioned that Ms. Peters had called. Unfortunately she will be unavailable due to her daughters illness so I told her I was corresponding with Mr. Peters and would be happy to talk with Ms. Peters as well regarding the phone call to Jan Shurte.

The Court Process:

On November 5, 2007, the Idaho Department of Water Resources (IDWR) received a copy of a Motion to File a Late Notice of Claim in the SRBA. The reason you were required to file a motion with the court is because on December 22, 2006, IDWR submitted the directors report to the court for Basin 67. This means that we submitted the recommendations for the claims filed in basin 67.

In order to file a new claim to a water right in basin 67 after December 22, 2006, you have to, in essence, ask the court for permission. You get that permission by filing the Motion to file a Late Notice of Claim, and then having a hearing with the Judge where he decides if he is going to allow the claim to be part of the SRBA. An order granting your motion to file claim 67-14921 was issued on February 26, 2008.

As of February 26, 2008, 67-14921 is a valid claim in the SRBA and you are now a party to the SRBA. At this stage, the SRBA court informs IDWR that they accepted the new claim and that IDWR can now review and verify the elements of the claim and prepare a recommendation to the court.

Initial Review of Claim 67-14921:

In essence, claim 67-14921 claims historical beneficial use of 0.10 cfs of groundwater for domestic and stockwater purposes, commencing on October 26th, 2007.

On 4-21-08, I received an E-mail from the Western Region office informing me that Mr. Peters had called that office in regards to a letter sent by Sandy Hemenway. Jan Shurte and Sandy Hemenway were both unavailable so I was asked to respond to the inquiry.

I will be the contact regarding this claim from this point on.

My initial review was to look at 2006 aerial photography and verify the elements of the claim. The 2006 aerial photography did not indicate that there was a home or structure on the property that appeared to be the claimed place of use (POU) for 67-14921. Due to the 2007 priority date claimed, I then looked at Google Earth which sometimes uses 2008 aerial photography to see if I could see a house built at that time. No home or structure was visible on the 2008 Google Earth photography.

I contacted Mr. Peters on 4-21-08 and explained that if the water was not being put to beneficial use, then I did not see a way I could recommend a domestic water right on the property. In our conversation, you did indicate that the water had been used for stockwater purposes, but it was not discussed if the full 250 head of stock that was claimed had been watered.

In our conversation I spoke about a couple of options

- **Option 1** is to do nothing. Idaho code 42-227 says that domestic use that meets the criteria described under Idaho Code 42-111, is exempt from the permit process defined under Idaho Code 42-229.

In short, domestic use for single family households including ½ acre of irrigation and stockwatering, and does not exceed 13,000 gallons per day is exempt from require a permit. So you do not need to file on that water use.

- **Option 2** would be filing a permit. When you filed an Adjudication claim in the SRBA, you were asserting that you had an existing domestic water right that had been established. Filing an application for permit is saying that you are planning on developing a new water right.

As I mentioned before, a groundwater right used for domestic purposes described above does not require development through the permit process to be a valid water right,

however, it is not uncommon for individuals to go through the permit process anyway to establish their water right.

In our telephone conversation you asked why someone would want to go through this process if they don't need to. I cannot speak to why others file water rights, but for my own personal viewpoint, I would just like to have it documented on paper with the department.

When you file for a permit, the day you file the application for permit is the priority date for your water right. So the advantage to going through the permit process is you can establish a priority date right from the start.

- **Option 3** is to wait till you have a house and are putting water to beneficial use and then re-file a claim in the SRBA. That is if the SRBA is still active and accepting claims at that time.

- **Option 4** is to wait till a recommendation is made on your water right, and assuming you have not been able to provide evidence of any domestic use, at least the domestic portion of the claim would not be recommended. Once the recommendations have been sent to the SRBA court, you will have the opportunity to file an objection to the recommendation and will be given the chance to be heard by the SRBA court.

In speaking with Jan Shurte, she did mention that perhaps there was some domestic use of water on the property despite there wasn't a house but she could not remember. Perhaps there is a trailer that is parked on the property for the summer and water is hooked up to that structure? I do not recall discussion of this in my conversation with Mr. Peters, but if something like that has been taking place, then we should talk about the extent of that use.

It is my hope that during our meeting today we will be able to talk about the different options and discuss the current water use for stockwater purposes on the property.

I hope this letter provides some information however, please feel free to contact me with further questions.

Respectfully submitted,



Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

04/23/2008

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

RIGHT NUMBER: 67-14921

NAME AND ADDRESS: JUDITH A PETERS
827 JONATHAN RD
WEISER ID 83672

ROBERT PETERS
827 JONATHAN RD
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/05/2007

POINT OF DIVERSION:

T11N R06W S10 SWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.060 CFS

PLACE OF USE: STOCKWATER in WASHINGTON County

T11N R06W S10 SWNW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

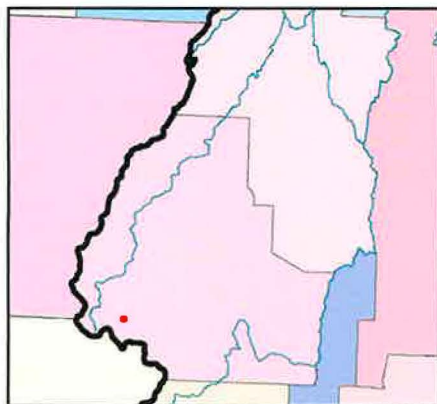
Stockwater use is for up to 250 head.



SRBA Recommendation
67-14921
(STOCKWATER)

Legend

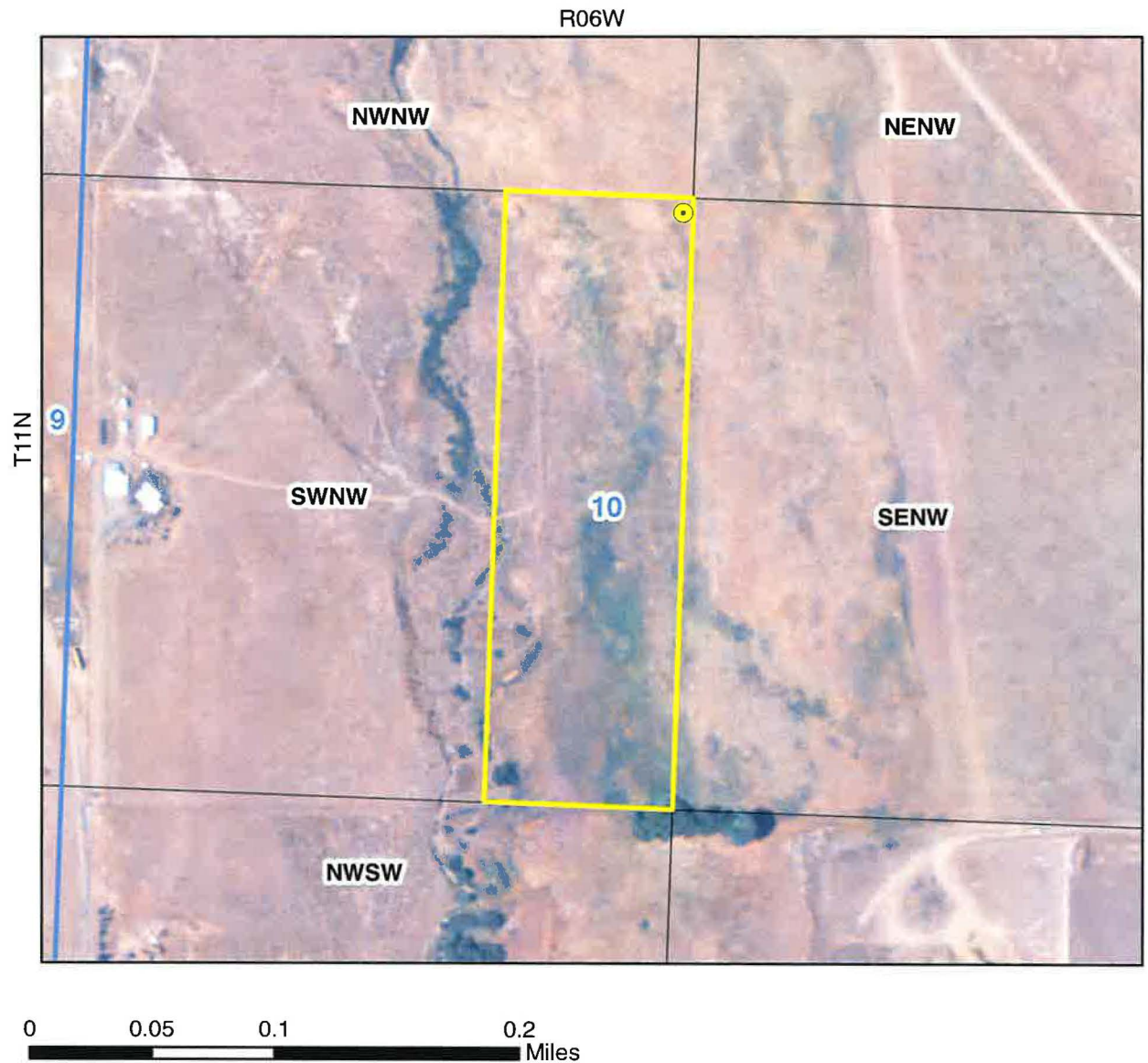
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67

Prepared by Craig Saxton
On Wednesday, April 23, 2008
2004 Aerial Photography

Idaho Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14921 V1

WATER RIGHT NUMBER: 67-14921 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUDITH A PETERS 827 JONATHAN RD WEISER, ID 83672 (208) 549-2188
Current Owner	ROBERT PETERS 827 JONATHAN RD WEISER, ID 83672 (208) 549-2188

Priority Date: 11/05/2007

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 10, Twp 11N, Rge 06W, B.M.
WASHINGTON County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	06W	10							X										

Conditions of Approval:

1. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. X02 Stockwater use is for up to 250 head.
4. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14921 V1

Comments:

1. mvanbussum 3/7/2008 Domestic use

Comment: Domestic use is recommended to this property under 67-14304. NOE for that recommendation states Woods (claimant) sold that property to the Peters. Apparently the Peters did not know a domestic right had already been recommended to the property.

2. csaxton 4/23/2008 No Domestic Right

Comment: 67-14304 is in the same QQ but is a different parcel of property. This right is claimed from a well drilled on a 12 acre parcel. There is no domestic use on this parcel, but in a conversation with the claimant during an in office meeting on 4-22 & 23, 2008, I was informed there has been stockwatering on the property.

3. csaxton 4/23/2008 Priority date

Comment: The priority date recommended was the day the well log says the drilling was complete.

4. csaxton 4/23/2008 Information Request

Comment: On April 10, 2008, Sandy Hemenway sent a letter to the claimant requesting additional information from the claimant. What prompted this letter was that she could not see a home for the domestic use claimed. After my discussion with the claimant on 4-23-08, I told him he could disregard the letter as the necessary questions had been answered in our discussion.

5. csaxton 4/23/2008 No Domestic Use

Comment: In essence, claim 67-14921 claims historical beneficial use of 0.10 cfs of groundwater for domestic and stockwater purposes, commencing on October 26th, 2007.

On 4-21-08, I received an E-mail from the Western Region office informing me that Mr. Peters had called that office in regards to a letter sent by Sandy Hemenway. Jan Shurte and Sandy Hemenway were both unavailable so I was asked to respond to the inquiry.

My initial review was to look at 2006 aerial photography and verify the elements of the claim. The 2006 aerial photography did not indicate that there was a home or structure on the property that appeared to be the claimed place of use (POU) for 67-14921. Due to the 2007 priority date claimed, I then looked at Google Earth which sometimes uses 2008 aerial photography to see if I could see a house built at that time. No home or structure was visible on the 2008 Google Earth photography.

I contacted Mr. Peters on 4-21-08 and explained that if the water was not being put to beneficial use, then I did not see a way I could recommend a domestic water right on the property. In our conversation, you did indicate that the water had been used for stockwater purposes.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14921 V1

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	3/7/2008 3:39:09 PM	mvanbussum			Active
Priority Date	3/7/2008 3:39:45 PM	mvanbussum			Active
POD	3/7/2008 3:43:58 PM	mvanbussum			Active
POU	3/7/2008 4:06:24 PM	mvanbussum			Active
Season	3/7/2008 4:06:25 PM	mvanbussum			Active
Source	3/7/2008 4:06:25 PM	mvanbussum			Active
Use	3/7/2008 4:06:25 PM	mvanbussum			Active
Quantity	3/7/2008 4:06:26 PM	mvanbussum			Active
Summary			04/23/2008	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	4/23/2008 3:29:56 PM	csaxton	Updated Shape
POD	3/7/2008 3:47:37 PM	mvanbussum	Updated Shape
POD	3/7/2008 3:50:35 PM	mvanbussum	Updated Shape
Contacts	3/7/2008 3:39:09 PM	mvanbussum	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop review.
Season	3/7/2008 4:06:26 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
General	3/7/2008 3:39:45 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Recommended as de minimus domestic and stock with usual n codes.
POU	3/7/2008 4:06:24 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?
Source	3/7/2008 4:06:25 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License?
Use	3/7/2008 4:06:26 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14921 V1

POU	4/23/2008 3:30:28 PM	csaxton	Updated PLS
Summary	4/23/2008 3:33:10 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	4/23/2008 3:20:56 PM	csaxton	Updated PLS
POD	3/7/2008 3:43:59 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	4/23/2008 3:20:23 PM	csaxton	Updated Shape
Quantity	3/7/2008 4:06:26 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

849728
Office Use Only
Well ID No. 419608
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

1. WELL TAG NO. D 0052434
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:
Name Robert & Judith Peters
Address 1084 Rockcreek Rd
City Weiser State ID Zip 83672

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp. 11 North ☒ or South ☐
Rge. 6 East ☐ or West ☒
Sec. 10 NE 1/4 SW 1/4 NW 1/4
Gov't Lot _____
County WASHINGTON
Lat: 44:18:42S Long: 117:02:93W
Address of Well Site NONE. 380yds N of Rock Creek Rd # 440yds City Weiser
(Give at least name of road + Distance to Road or Landmark)
H. Blk. _____ Sub Name EAST OF ROCK CREEK DRIVEWAY

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>Mortecement</u>	<u>8</u>	<u>265</u>	<u>3.3yd3</u>	<u>Pump-Turnin</u>
<u>Bentonite</u>	<u>+1</u>	<u>8</u>	<u>3 Ft3</u>	<u>Pour</u>

Was drive shoe used? ☒ ☐ N Shoe Depth(s) 265
Was drive shoe seal tested? ☒ ☐ N How? H₂O cement

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>10</u>	<u>+1</u>	<u>225</u>	<u>250</u>	<u>STEEL</u>	☐	☐	☐	☐
<u>6</u>	<u>+2</u>	<u>265</u>	<u>250</u>	<u>STEEL</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____
Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

_____ ft. below ground Artesian pressure 5 lb.
Depth flow encountered 274 ft. Describe access port or control devices: FLANGE & VALVES & FITTINGS Per R. Whitman

12. WELL TESTS:

Yield gal./min.	Drawdown	Pumping Level	Time
<u>A 75+</u>	<u>274</u>	<u>274</u>	<u>2 hrs</u>
<u>B 20</u>			<u>2 days</u>

Water Temp. _____ Bottom hole temp. 77

Water Quality test or comments: _____

Depth first Water Encounter 13

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
	<u>12</u>	<u>0</u>	<u>Black Clay Soil</u>		☒
	<u>12</u>	<u>3</u>	<u>Black Clay</u>		☒
	<u>5</u>	<u>13</u>	<u>Soft Silty Clay</u>		☒
	<u>13</u>	<u>18</u>	<u>Gravel</u>	☒	
	<u>18</u>	<u>25</u>	<u>Cemented gravel & gravel</u>	☒	
	<u>10</u>	<u>25</u>	<u>Brown Clay</u>		☒
	<u>10</u>	<u>25</u>	<u>Blue Gummy Clay</u>		☒
	<u>71</u>	<u>71+</u>	<u>Hard white (calcium)?</u>		☒
	<u>71+</u>	<u>245</u>	<u>Blue gray clay & some shale</u>		☒
	<u>245</u>	<u>250</u>	<u>Blue Shale</u>		☒
	<u>10</u>	<u>25</u>	<u>gray clay</u>		☒
	<u>10</u>	<u>25</u>	<u>gray shale</u>		☒
	<u>6</u>	<u>265</u>	<u>gray shale</u>		☒
	<u>6</u>	<u>272</u>	<u>Broken Shale</u>		☒

10" Conductor Stacks, 275'
cemented & Bentonite

RECEIVED

DEC 20 2007

WATER RESOURCES
WESTERN REGION

Completed Depth 274 (Measurable)

Date: Started 10-23-07 Completed 11-5-07

14. DRILLER'S CERTIFICATION

I/we certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Robert Dawson, Inc Firm No. 589

Principal Driller R. Dawson Date 12-18-07

Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

NENE

NWNW

NEN

SENE

SWNW

SENV

NESE

NWSW

NESW

67-14921 Peters



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

April 10, 2008

Judith A. or Robert L. Peters
827 Jonathan Rd.
Weiser, ID 83672

RE: Water Right Number 67-14921

Dear Mr. or Mrs. Peters,

I am reviewing the file for Water Right Claim # 67-14921. I just need a few documents for verification before I can complete my recommendations, and adjust the status on the claim. On the attached map, please draw the following: (1) The location for the point of diversion/well. (2) Outline and highlight the area for the Place of Use. (3) Send in a copy of the warranty deed for the property owned and claimed for Water Right Claim # 67-14921. (4) Indicate the Hp of the pump, discharge size, psi the system is run at, size of buried line to the house and going to the stock. (5) What is the size, and location of the stockwater tanks? (6) Is the well run most or all the time with the pump or flowing artesian? (7) Is there an overflow from the artesian well and if so where does the water go? (8) Is there any other supplemental water that is used? If so, what is it? (9) How long have you owned the property?

I have enclosed a copy of the original claim. Please return the completed map (with location of point of diversion and point of use), answers to the questions listed above, and the copy of the warranty deed in the enclosed postage paid envelope.

If you have any questions, please contact me directly at (208) 287-4920, or via my email: Sandy.Hemenway@idwr.idaho.gov

Sincerely,

Sandy Hemenway
Sr. Water Resource Agent

Claim No(s). 07-14921

Claim No(s). 07-14921

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 4, 2008

ROBERT L AND JUDITH A PETERS
827 JONATHAN RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #67-14921

Dear Claimants:

The Notice of Claim to a Water Right you filed was received from the SRBA Court recently. I have enclosed receipt #C086059 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

FEB - 4 2008

Hearing 2-19-2008

RECEIVED

NOV - 5 2007

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 67-14921

(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.

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

My name is Judith A. Peters or Robert L. Peters

My address is 827 Jonathan Rd
Weiser, ID 83672

My phone number is: Work _____ Home (208) 549-2188

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:

Domestic Well recently drilled and used
and would like to have it included in the
SRBA for court decree

☐ 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 \$ 100.00.
- ☐ 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 \$ _____.

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 FEBRUARY 20TH, 2008 AT 1:30 PM
(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:

- ☐ 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:

VERIFICATION (Must be completed)

State of IDAHO

County of Washington

Robert L. Peters
Judith A. Peters
(Insert name of person filing form)

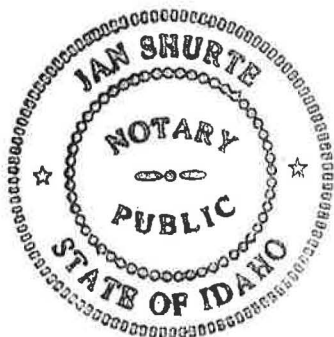
being first duly sworn, upon oath, deposes and says:

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.

Robert L. Peters
Judith A. Peters
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 10-30-07
(Insert Date)



Ian Shurte
Notary Public for IDAHO
Residing at: Meridian ID
My Commission expires: 12-12-12

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 10-31-²⁰⁰⁷~~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:

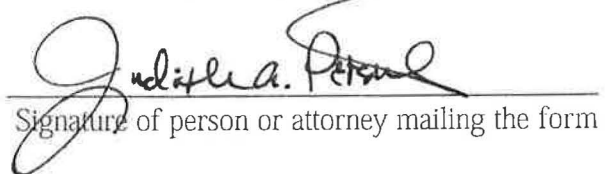
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

RECEIVED

NOV 05 2007

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14921

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Judith L. Peters or Robert L. Peters Phone (208) 549-2188Mailing Address 827 Jonathan Rd. Weiser IDAHO Zip 83672
Street or Box City State2. Date of Priority: (Only one per claim) Oct. 26, 2007
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 11N, Range 6W, Section 10,
SW, 1/4 of NW, 1/4 or Govt. Lot _____, BM., County of Washington; Parcel (PIN) No. _____Additional points of diversion if any: NONE

If available, GPS Coordinates _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Well with pump and pipeline to place of use

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1-1 to 12-31 amount .05
Month/Day Month/Day (cfs) or (AFA)For Stock purposes from 1-1 to 12-31 amount .057. Total Quantity claimed .10 (cfs) or (AFA)8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock) Domestic for 1 home withlawn and garden, Stock water up to 250 head

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9. Location of Place of Use is: Township 11 N, Range _____, Section 10,

SW, 1/4 of NW, 1/4, Govt. Lot _____, B.M.; Parcel (PIN) No. _____

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

10. Which county (ies) are lands listed above as place of use located? Washington

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the 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.

None (X) _____

13. Remarks:

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: _____

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) Judith A. Peters Date: 10-30-07
Robert J. Peters Date: 10-30-07

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 _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Address _____

Date _____

Last Name _____ Identification No. _____

SCANNED

NOV 06 2007

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 67-14921Date Received: 2007 NOV 2 PM 1:14Receipt No: CO86059Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Judith A. Peters or Robert L. Peters Phone (208) 549-2188Mailing Address 827 Jonathan Rd. Weiser IDAHO Zip 83672
Street or Box City State2. Date of Priority: (Only one per claim) Oct. 26, 2007
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) _____4. Location of Point of Diversion is: Township 11N, Range 6W, Section 10,
SW, 1/4 of NW, 1/4 or Govt. Lot _____, BM., County of Washington; Parcel (PIN) No. _____Additional points of diversion if any: NONE

If available, GPS Coordinates _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Well with pump and pipeline to place of use

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1-1 to 12-31 amount .05
Month/Day Month/Day (cfs) or (AFA)For Stock purposes from 1-1 to 12-31 amount .057. Total Quantity claimed .10 (cfs) or (AFA)

8. Non-irrigation uses. Describe fully. (eg. Domestic: Give number of households served if single ownership; Stockwater: Type and number of livestock)

Domestic for 1 home with
lawn and garden, Stock water up to 250 head

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OCT 28 2008

9. Location of Place of Use is: Township 11 N, Range _____, Section 10,
SW, 1/4 of NW, 1/4, Govt. Lot _____, BM.; Parcel (PIN) No. _____

for (Circle One) Domestic Stock Domestic and Stock
 Additional places of use, if any _____

10. Which county (ies) are lands listed above as place of use located? Washington

11. Do you own the property listed above as place of use? Yes ☒ No ()

If the 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.

None ☒ _____

13. Remarks:

14. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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: _____

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) Judith A. Peters Date: 10-30-07
Robert J. Peters Date: 10-30-07

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 _____ Date _____

Title and Organization _____

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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 _____

Address _____

Date _____

Last Name _____ Identification No. _____

SCANNED

FEB 28 2008

RECEIVED

FEB 27 2008

DEPARTMENT OF
WATER RESOURCES

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

FEB 26 2008

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

Clerk
Deputy Clerk

In Re SRBA

Subcase: 67-14921

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

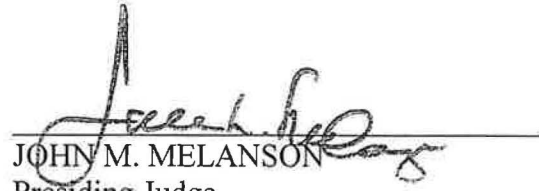
On November 2, 2007, Robert L. and Judith A. Peters filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 19, 2008. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections 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 February 26, 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 February 26, 2008, with sufficient first-class postage to the following:

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

JUDITH A PETERS
ROBERT L PETERS
827 JONATHAN RD
WEISER, ID 83672
Phone: 208-549-2188

ORDER

Page 1 2/26/08

FILE COPY FOR 00506

Deputy Clerk

SCANNED

FFR 2 8 2008