

06/17/2010

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

RIGHT NUMBER: 35-13988

NAME AND ADDRESS: DONNETTA NELSON
757 ASPEN
SHELLEY ID 83274

SOURCE: WASTE WATER

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.190 CFS

PRIORITY DATE: 04/01/1943

POINT OF DIVERSION:

T04S R32E S20 NENW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.190 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T04S R32E S20

NENW

9.30

9.3 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.

The source of this water right is waste water. The wasting of water may be discontinued at any time.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The source of this right is waste water originally diverted by Aberdeen Springfield Canal Co.

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 35-13988

Date Received: 2-18-2010

Receipt No: C090033

Received By: SP7 \$200-

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

1. Name of Claimant(s)

MARGARET DONNETTA NELSON Phone: (208)357-3466
757 ASPEN
SHELLEY ID USA 83274

2. Date of Priority: 04/01/1943

3. Source: WASTE WATER Trib. to: UPPER SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	32E	20	NE NW	BINGHAM	DITCH

5. Description of diverting works:

WASTE WATER FROM ADJOINING FIELD IS COLLECTED AND DIVERTED ACROSS OUR WESTERN
PROPERTY (NENW of Section 20, T04S, R32E).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.80	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	32E	20	NE NW	IRRIGATION	40
				Section Acres	40

SCANNED
FEB 18 2010

Total Acres 40

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: 35-2019 overlaps portion

14. Remarks:

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.

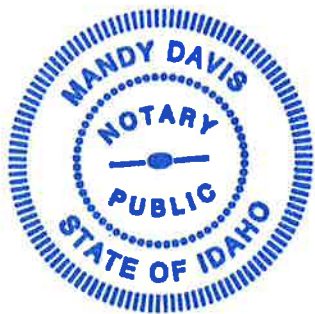
Signature of Claimant(s): *James L. Kelly* Date: 11-24-09
Attorney for Claimant Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day November 2009
Mandy Davis

Notary Public

Residing at St. Anthony
My commission Expires 6-24-2011



SCANNED
FEB 18 2010

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FEB 18 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 17 2010
By _____ 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

Subcase: 35-13988

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On November 25, 2009, Margaret Donnetta Nelson, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 16, 2010. 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 17, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
FEB 18 2010

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 17, 2010, with sufficient first-class postage to the following:

MARGARET DONNETTA NELSON

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SCANNED
FEB 18 2010

ORDER

Page 1 2/17/10

FILE COPY FOR 02240

Deputy Clerk

Julie Murphy

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 35-13988
Date Received: 11/27/2009
Receipt No:
Received By:

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

1. Name of Claimant(s)

DONNETTA NELSON Phone: (208)357-3466
757 ASPEN
SHELLEY ID USA 83274

2. Date of Priority: 04/01/1943

3. Source: WASTE WATER Trib. to: UPPER SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	32E	20	NE NW	BINGHAM	

5. Description of diverting works:

Waste water from adjoining field is collected and diverted across our western property. (NENW of Sec. 20, T4S, R32E).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	32E	20	NE NW	IRRIGATION	40
Section Acres					40

Total Acres 40

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ACCEPTANCE OF LATE CLAIM BY SRBA COURT.

35-2019 overlaps portion.

15. Basis of Claim: Beneficial Use

RECEIVED

NOV 27 2009

DEPARTMENT OF
WATER RESOURCES

Hearing: 2-16-10

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

*Fee \$1,410
Refund \$60*

Case 39576

Claim is complete

Subcase: 35-13988

STANDARD FORM 4

MOTION TO FILE

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

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

My name is Margaret Donnetta Nelson

My address is: 757 Aspen, Shelley, ID 83274

My phone number is: (208)357-3466

I am an attorney representing Margaret Donnetta Nelson

My name is Jerry R. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: (208) 356-3633

SCANNED

NOV 30 2009

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 the water in the SRBA because: Only recently, during and following a hearing wherein the Special Master overturned the Director's Recommendation denying my claim based upon license #35-2019, did I discover that certain lands contained within said license were also in fact historically watered with waste water from adjoining field as described in the attached Notice of Claim. This waste water claim is necessary in order to complete the present Director's Amended Recommendation as to all the lands under said original license.
- ☐ 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 described 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 \$_____.
- ☒ 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 \$200.00.

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: Tuesday, February 16, 2010 at 1:30 p.m.

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

SCANNED
NOV 30 2009

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File and 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 the 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:
Fees have been paid when the claims were originally filed.

VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Jerry R. Rigby, being first duly sworn, upon oath, deposes and says:

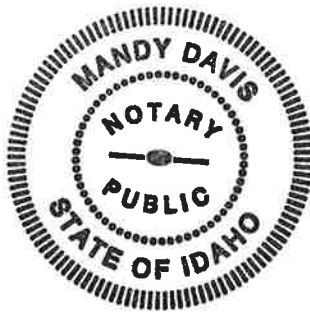
That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

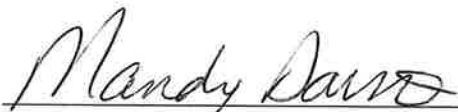
Signature of person filing motion



Attorney signing in representative capacity.

Subscribed and sworn to before me on this 24th day of November, 2009.





Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 06/24/2011

SCANNED
NOV 30 2009

CERTIFICATE OF MAILING

I certify that on ~~October 9~~^{Nov 24}, 2009, 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
P. O. Box 2707
Twin Falls, ID 83303-2707

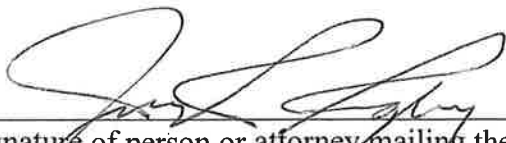
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources 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 Special Master, you must serve a copy on all parties in that subcase.


Signature of person or attorney mailing the form

SCANNED
NOV 30 2009

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 35-13988
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARGARET DONNETTA NELSON Phone: (208)357-3466
757 ASPEN
SHELLEY ID USA 83274

2. Date of Priority: 04/01/1943

3. Source: WASTE WATER Trib. to: UPPER SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	32E	20	NE NW	BINGHAM	DITCH

5. Description of diverting works:

WASTE WATER FROM ADJOINING FIELD IS COLLECTED AND DIVERTED ACROSS OUR WESTERN
PROPERTY (NENW of Section 20, T04S, R32E).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.80	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	32E	20	NE NW	IRRIGATION	40
				Section Acres	40

SCANNED
NOV 30 2009

Total Acres 40

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: 35-2019 overlaps portion

14. Remarks:

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): *Janet Kelly* Date: 11-24-09
Attorney for Claimant Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day November 2009
Mandy Davis

Notary Public

Residing at St. Anthony

My commission Expires 6-24-2011



SCANNED
Nov 30 2009



Idaho Department of Water Resources

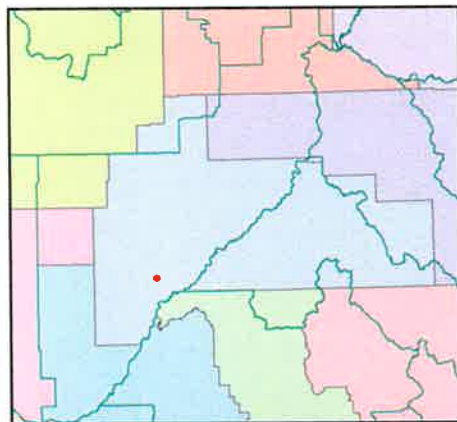
Adjudication Recommendation

35-13988

(IRRIGATION)

Legend

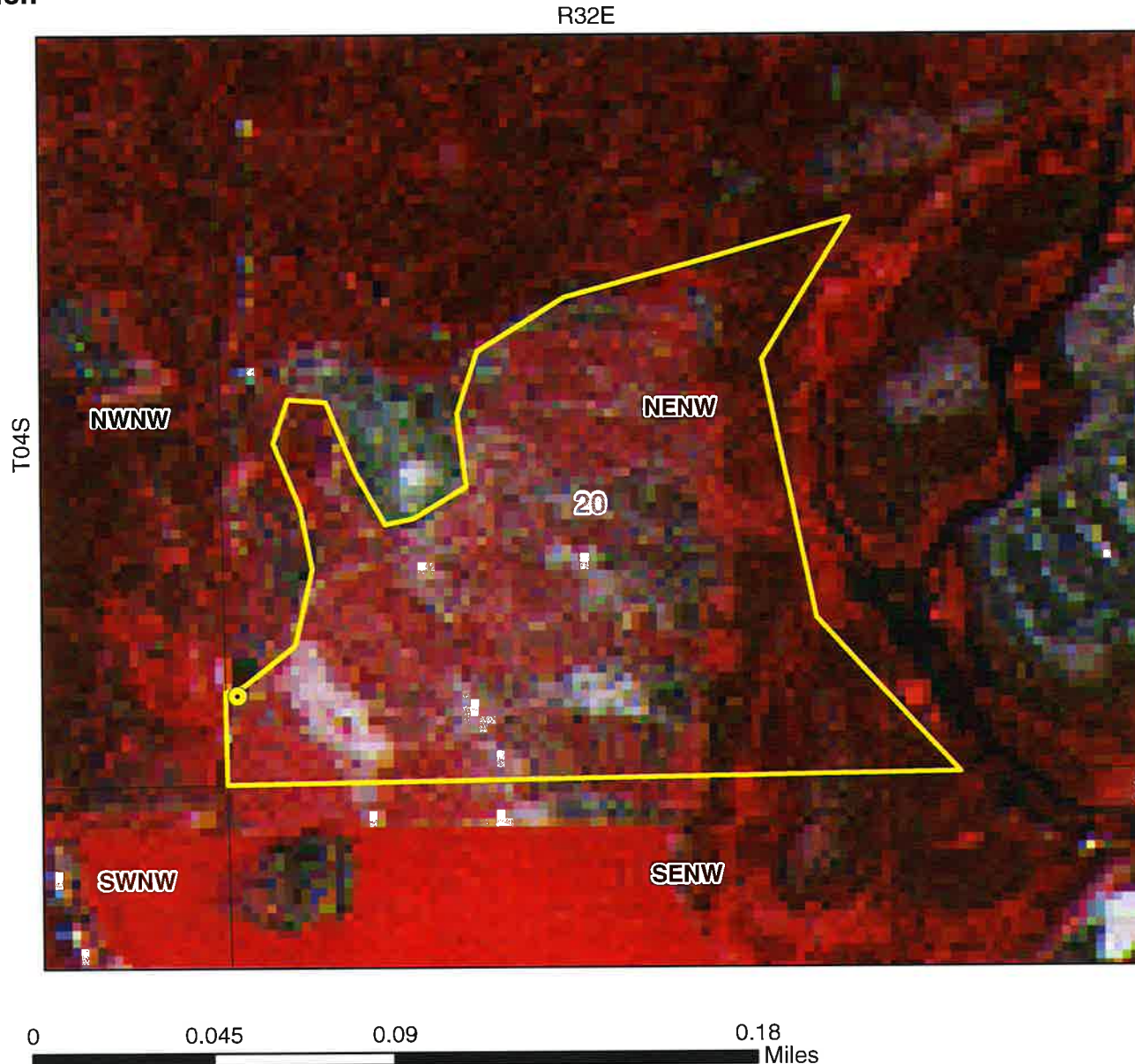
-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Bingham County
IDWR Basin 35

Prepared by Barg, Jonie

1987/88 Aerial Photography



RECEIVED

JUN 10 2010

Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

) Subcase: 35-13988
)
)

Case No. 39576

) **AMENDED AFFIDAVIT OF**
) **DONNETTA NELSON**
)
)

STATE OF IDAHO)

ss.

County of Bingham)

Donnetta Nelson, having been duly sworn, states under oath as follows:

1. I am a resident of Bingham County, Idaho and reside at 757 Aspen Ave., Shelley ID 83274-1464.
2. I was married to Merland Nelson on October 16, 1940. Soon after marrying, my husband and I moved in with his parents into a small home located just west of the Subject Property next to a canal located at the NWNW of Section 20, T04S, R32E, EBM. The house was originally owned by my husband's family and was later owned by my husband and me.
3. I personally recall my father-in-law, Ed Nelson, diverted water from the canal into a ditch that was used to irrigate the 40 acres where we resided (described above). Part of that water was diverted to stock ponds that existed on the same land. These stock ponds were used for watering sheep and cattle that were kept by Ed

Nelson. Subsequent to irrigation and filling of the stock ponds, excess water (waste water) from the ponds was allowed to flow onto the adjacent Subject Property (NENW of Section 20, R32E, T04S EBM) located to the east that are also the subject lands of water right 35-2019.

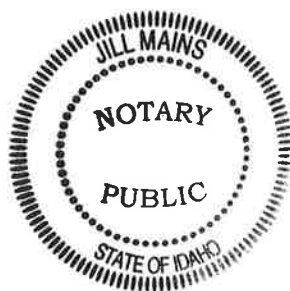
4. The Subject Property was previously owned by Merland's father, Ed Nelson. He died in about 1969. Merland's mother, thereby, owned the Subject Property until around 1971 when it was purchased by my Husband, Merland Nelson. I have personal knowledge that from the time I moved to the adjacent property in 1940 until it was purchased by my husband in 1971, the Subject Property was irrigated from waste water as described above. After purchasing the property, we continued to irrigate the lands in the same basic manner. The ditches that are on the Subject Property today are basically the same that existed at that time.
5. The water which irrigated the Subject Land consisted of two sources. One source was wastewater as described above. The waste water was collected and conveyed to our property via ditch and entered the land near the southwest corner of the NENW 40-acre tract of T04S, R32E, Section 20 of Bingham County. The other source of irrigation of these lands were from a spring-fed creek that is also the source of water for water right 35-2019.
6. Water in the ditches were diverted out onto the land by damming the ditches with hay bale flakes (depending upon availability), soil, or with plastic dams, and allowed to flood across the land.

7. The irrigated lands were used as pasture for grazing cattle and sheep.
8. The conditions I have described within this affidavit would apply to each and every year from the time Ed Nelson owned the Land up to the time of the sale of the Land to Dr. Steiglitz, who is the present owner of the Land. The only major change in the conditions described herein was during the last two years of my husbands life due to the illness which eventually took his life. However, even though the watering wasn't as consistent and as plentiful as before his illness, there was NOT one year where NO watering occurred on any one parcel of the Land.

Respectfully submitted, this 9 day of June, 2010.


Donnetta Nelson

SUBSCRIBED AND SWORN to before me this 9 day of June, 2010.




Notary Public for Idaho
Residing at: Shelley
My Commission Expires: 7-27-13

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA)

Subcase: 35-13988

Case No. 39576)

AFFIDAVIT OF ~~DONETTA NELSON~~

DONNETTA NELSON

STATE OF IDAHO)

ss.

County of Bonneville)

Donetta Nelson, having been duly sworn, states under oath as follows:

1. I am a resident of Bingham County, Idaho and reside at 757 Aspen Ave., Shelley ID 83274-1464.
2. I was married to Merland Nelson on October 16, 1940. Soon after marrying, my husband and I moved in with his parents into a small home located just west of the Subject Property next to a canal located at NWNW of Section 20, T04S, R32E, EBM. The house was originally owned by my husband's family but was later owned by my husband and me.
3. My father-in-law, Ed Nelson, diverted water from the canal into a ditch that was used to irrigate the 40 acres described above. Part of that water was diverted to stock ponds that existed on the same land. These stock ponds were used for watering sheep and cattle that were kept by Ed Nelson. Subsequent to irrigation and filling of the stock ponds, waste water was allowed to flow onto the Subject

DONNETTA NELSON DN

Affidavit of ~~Donetta Nelson~~ - Page - 1

V:\Roger_2009\Nelson Lawsuit,09-0087\affidavits\Nelson.affidavit 35-13988.wpd

Property (NENW of Section 20, R32E, T04S EBM) located to the east that are also the subject lands of water right 35-2019.

4. Merland's father, Ed Nelson, purchased the Subject Property around 1971. The ditches that are on the property today are basically the same that existed at that time.
5. The water which irrigated the Subject Land consisted of two sources. One source was wastewater from the irrigation of adjacent lands to the west. The waste water was collected and conveyed to our property via ditch and entered the land near the southwest corner of the NENW 40-acre tract of T04S, R32E, Section 20 of Bingham County. The other source of irrigation of these lands were from a spring-fed creek that is also the source of water for water right 35-2019.
6. Water in the ditches were diverted out onto the land by damming the ditches with hay bale flakes (depending upon availability), soil, or with plastic dams, and allowed to flood across the land.
7. The irrigated lands were used as pasture for grazing cattle and sheep.
8. The conditions I have described within this affidavit would apply to each and every year from the time we acquired the Land up to the time of the sale of the Land to Dr. Steiglitz, who is the present owner of the Land. The only major change in the conditions described herein was during the last two years of my husbands life due to the illness which eventually took his life. However, even though the watering wasn't as consistent and as plentiful as before his illness, there was NOT one year where NO watering occurred on any one parcel of the

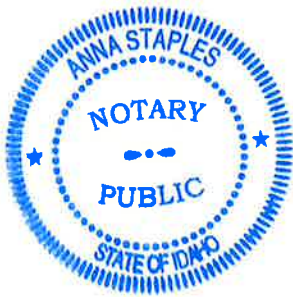
DONNETTA NELSON D N

Land.

Respectfully submitted, this 21 day of April, 2010.

Donnetta Nelson
~~Donetta Nelson~~
DONNETTA NELSON D.N.

SUBSCRIBED AND SWORN to before me this 21st day of April, 2010.



Anna Staples
Notary Public for Idaho
Residing at: Idaho
My Commission Expires:

MY COMMISSION EXPIRES
May 26, 2015
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

DONNETTA NELSON D.N.

Affidavit of Donetta Nelson - Page - 3

V:\Roger_2009\Nelson Lawsuit,09-0087\affidavits\Nelson.affidavit 35-13988.wpd



Nelson Late Claim 35-13988
T04S, R32E, Sec 20 (NAIP 2006)





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

GARY SPACKMAN
Interim Director

February 25, 2010

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440-3633

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim #35-13988
Your Client: Margaret Donnetta Nelson

RECEIVED

MAR 01 2010

Department of Water Resources
Eastern Region

Dear Mr. Rigby:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. We have enclosed receipt #C090033 for the filing fees your firm paid. Please retain the receipt for your records.

The fees for this claim were overpaid by \$60.00 (the filing fee is \$50.00 and the late fee is \$50.00 plus 40.00 for the acreage fee). The refund process has been initiated with the State Auditor's Office. Your firm should receive a check in the near future.

Your client's 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,

Carter Fritschle
Section Manager
Adjudication Bureau

CF:ss:region:ref

Enclosure:

Receipt Referenced Above

SCANNED

FEB 19 2010

Refund Request

TO: S. Sherman to Log In
 FOR: C. Fritschle/D. Allen
 FROM: S. Sherman Date: 2-19-10
 SUBJ: Receipt No. C090033
 (Please attach receipt copy immediately behind form)

RE: PayOR RIGBY ANDRUS & MOELLER, CHTD
 Address PO BOX 250
 REXBURG ID 83440-0250

Claimant(s) if NOT Payor MARGARET DONNETTA NELSON
 Refund Amount \$ 60.00 Claim Location: Region ☒ Claimant ☐
 Extension Filed? Y ☐ N ☐ NA ☒ Copy Attached? Y ☐ N ☐ NA ☒
 Late Fees Paid? Y ☐ N ☐ NA ☒ Late Fee Receipt # NA
 S.O. Verified Ext. by _____ on _____ D.B. Query by N/A
 Refund Generated by: Agent ☒ Claimant ☐
 Refund Category:

O-pmt

Date of Last Correspondence (copy attached) _____

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
35-13988	01	\$ 200.00	\$ 140.00	C090033
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
Total		\$ 200.00	\$ 140.00	

***Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded.**

Detailed Reason(s) for Refund Attached: Y ☒ N ☐

Region AJ Spvsr. Approval _____ S.O. AJ Spvsr. Approval CS
 C. Fritschle Approval C. Fritschle Hold _____ To Fiscal 2-23-10 AP
 Logged 2-19-10
 Data Base Modified? Y ☐ N ☐ NA ☒ by _____ on _____

09/08/09

SCANNED
FEB 19 2010

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 35-13988

[illegible]

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, December 10, 2009 1:15 PM
To: Courtney, Andrea; Williams, Ray
Subject: 35-13988: Late Claim - Refund Needed

Hello,

Motion to File late notice of claim 35-13988 was received on 11-27-09. The motion indicates that they paid \$200 in filing fees.

Actual fees should be:

\$ 50 Claim fee

\$ 50 Late fee

\$ 40 (\$1 per acre @ 40 acres)

Total = \$140

If the motion is granted and the claimant actually did pay the \$200 as indicated on the motion, IDWR will need to refund the claimant **\$60**.

This e-mail is for the legal files for reference at the time of the hearing. A copy will be kept with the motion as well.

Thanks,
Craig