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FILED

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

In Re SRBA

Case No. 39576

) Subcases 61-12049, 61-12050, 61-12051,
) 61-12052, and 61-12053

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

On March 5, 2004, Claimant State of Idaho, Department of Lands, filed *Motions to File Late Notice of Claim* for each of the water rights listed above. Hearing was held on the *Motions* June 15, 2004. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for water rights 61-12049, 61-12050, 61-12051, 61-12052, and 61-12053 are **granted**.

The original Notice of Claims and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. The Court record indicates that fees were paid to the Idaho Department of Water Resources on January 14, 2004.

IT IS SO ORDERED.

Dated June 16, 2003.



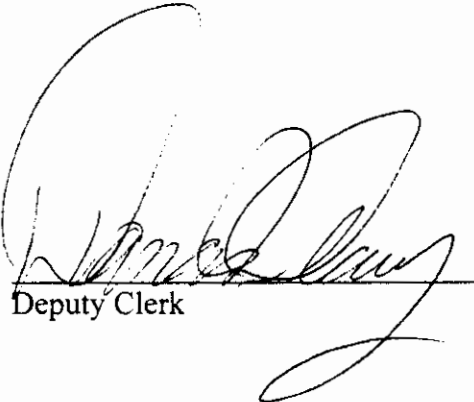
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTIONS TO FILE LATE NOTICE OF CLAIM** was mailed on June 16, 2003, with sufficient first-class postage to the following:

State of Idaho, Department of Lands
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

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



Deputy Clerk

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

61

39576

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

CIVIL CASE NUMBER:

Identification No. 61-12053

Date Received

Receipt Number DECLERED \$25

**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.**

RECEIVED

JAN 14 2003

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) State of Idaho, Department of Lands Phone (208) 334-2400

Mailing Address 700 W. Jefferson, Room 210, P.O. Box 44449, Boise, Idaho Zip 83711-4449

2. Date of Priority (Only one per claim) December 15, 1919 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) Unnamed stream
Name or kind of source

which is tributary to (b) Deer Heaven Creek

4. Location of point of diversion is: Township 2 South Range 11 East

Section 31, NW 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of Elmore

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. A dam collects water in a small reservoir, which was designated as Waypoint 10. The capacity of the reservoir is reduced because the dam is partially washed out. See attached photograph of Waypoint 10, which was taken on 6/18/2003.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

Month/Day

Month/Day

(cfs)

For Stock Water purposes from January 1 to December 31 amount 0.02
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimis

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) The lands described in this claim are leased under State Land Lease, Lease No. 7601 (Grazing). This lease authorizes a total of 730 animal unit months on 5,913.8 acres of State endowment land.

10. Place of use is: Township: 2 South Range 11 East

Section 31, SW 1/4 of SE 1/4 Govt. Lot , B.M.,

County of Elmore for (Circle One)

Domestic

Stock

Domestic and Stock

Additional places of use, if any: Not applicable

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

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks:

15. Basis of Claim (Circle One)
Decree

Beneficial use

Posted Notice

License

Permit

Court Decree Date Plaintiff vs Defendant

If applicable provide IDWR Water Right Number

16. Signature (s)

(a) By signing below, I/We acknowledge that I/We have received, read and understood the form entitle "How you will receive notice in the Snake River Basin Adjudication". (b) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments = 1

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

Signature of Claimant (s) Date

For Organizations: I do solemnly swear or affirm that I am Range Program Manager
Title
of the Idaho Department of Lands, that I have signed the foregoing document in the space below as Range Program Manager of the Idaho Department of Lands and that the statements contained in the foregoing document is true and correct.

Signature of Authorized Agent Tracy Behrens Date 1/6/2004

Title and Organization Range Program Manger Idaho Department of Lands

State of Idaho)

County of Ada) ss

Subscribed and sworn (or affirmed) before me this 26th day of January 2004

Notary Public Ula Chadd

Residing at Caldwell

My Commission Expires 9-22-06

Last Name Ident No.

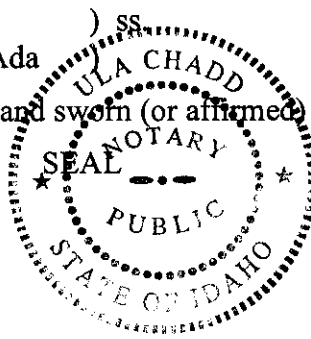




PHOTO RECORD

*South Central Office
Gooding, Idaho*

Lease Number: G-7601

Location: 2S 11E Sec. 31 NWSWSE
Waypoint 10

Date: 6/18/2003

Taken By: Brian Sewell



Minimal storage capacity due to partially washed out dam.