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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

For Water Rights 55-7410

On August 31, 2001, the United States of America, Bureau of Land Management filed a *Motion to File Late Notice of Claim* in the above-captioned subcase. On December 18, 2001, pursuant to notice, a hearing was on the *Motion* in conjunction with *Motions to File late Notices of Claim* for other water rights filed by the United States. The *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, no objections were filed, nor did any party appear in opposition to the *Motion*. On December 26, 2001, the Court issued an order granting the other *Motions* filed by the United States, however, the order omitted the above-captioned water right.

THEREFORE, IT IS ORDERED that the *Motion to File Late Notice of Claim* for water right 55-7410 is granted.

The original Notice of Claim, as well as any filing fee submitted, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action consistent with this *Order*.

IT IS SO ORDERED

DATED: May 16, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

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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 May 15, 2002, with sufficient first-class postage to the following:

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

☐ PPD? ☒ PD? ☐ Adm? ☐ Prob? ☐ THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

LC

AMENDED NOTICE of CLAIM for
Water Right number:

5507410 (IDWR number)

NAME and
ADDRESS

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT:

Stg: StFed:

5501589504

L

S

Other Right and date:

SOURCE:

Source Tributary

DOUGHERTY CREEK

OWYHEE RIVER, N. FORK

QUANTITY:

0.14

CFS

or VOLUME:

8.9

Acre Feet

PRIORITY DATE:

04/13/1990

Diversion Means:

EARTHEN DAM

REMARKS:

PLACE OF USE IS KNOWN AS DOUGHERTY RESERVIOR #8531

POINT of
DIVERSION:

Twntship Range Section T1 T2 T3 LOT B/E within the County of

09S 05W 20 NW SE 73 OWYHEE

PURPOSE
and
PERIOD
OF USE:

Purpose of Use Period of Use (from - to): Rate in CFS or Volume in AcFt

04		0101		1231		0.14		8.4	
05		0101		1231				0.5	
16		0101		1231		0.14		8.4	
17		0101		1231				0.5	

CONSUMPTIVE
USE:

stockwater & wildlife

DATE:

13-Jul-01

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

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

PLACE
of USE:

Water Use Twn Rge Sec T1 T2 LOT within the County of

17	09S	05W	20	NW	SE		37	OWYHEE
16	09S	05W	20	NW	SE		73	OWYHEE
05	09S	05W	20	NW	SE		73	OWYHEE
04	09S	05W	20	NW	SE		73	OWYHEE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 55-07410

Priority: April 13, 1990

Maximum Diversion Rate:
Maximum Diversion Volume:

0.14 CFS
8.9 AF

This is to certify, that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 13, 1990; and
has submitted Proof of Beneficial Use on September 4, 1990. An examination indicates
that the works have a diversion capacity of .140 cfs of water from:

DOUGHERTY CREEK tributary to OWYHEE RIVER, NORTH FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.14 CFS	8.4 AF
STOCKWATER STORAGE	01/01 to 12/31		0.5 AF
WILDLIFE	01/01 to 12/31	0.14 CFS	8.4 AF
WILDLIFE STORAGE	01/01 to 12/31		0.5 AF
	Totals	0.14 CFS	8.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 20, Township 09S, Range 05W
OWYHEE County

PLACE OF USE: STOCKWATER
TWN RGE SEC

09S 05W 20 NWSE

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

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MAY 19 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 55-07410

CONDITIONS/REMARKS:

4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.
6. Stockwater use is for 625 range cattle.
7. Place of use is also known as Dougherty Reservoir #8531, Cliffs Allotment.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 29th day of APRIL, 1992.

Acting for R. Keith Higginson, Director

RECORDED
MAY 19 1992