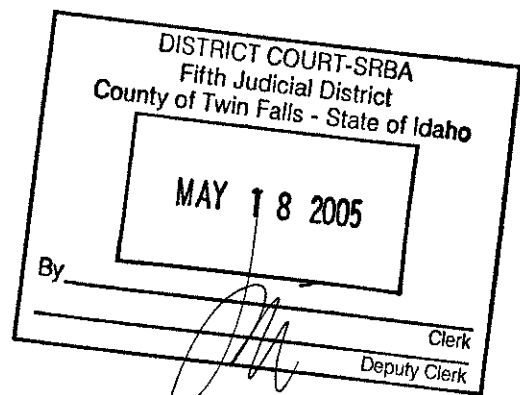




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
) ORDER CONTINUING HEARING ON
) MOTION TO FILE LATE NOTICE OF
) CLAIM

) For water right: 35-8024
)
)

_____)
This matter came before the Court pursuant to a hearing on a *Motion to File Notice of Claim* held on May 16, 2005. The claimants Craig D. and Patty V. Goodwin appeared *pro se*. After reviewing the file and hearing comments from the claimants and counsel for IDWR, the Court continued the hearing on the *Motion* until next months regularly scheduled status conference to give the claimants additional time to respond to the Court's inquiries. In particular the claim is for a groundwater right with a 1982 priority date. Because of the claimed priority date the claim needs to be based on a license. It was not clear from the record whether a license was issued for the right or whether the permit lapsed and was subsequently reinstated or just lapsed. Additionally, the claim overlaps and supplements the same 310 acres irrigated by water right 35-7194, which was previously partially decreed to the claimants.¹

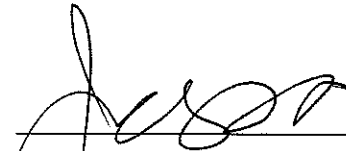
¹ Water right 35-7194 is based on a license issued for 2.81 cfs. Although 2.81 cfs is inadequate to irrigate the 310 acres based on an inch per acre standard, the license issued for 35-7194 was for the full 310 acres without reference to a supplemental or combined right. The proof of beneficial use filed for license 35-7194 also indicates that 6.4 cfs, which is the requisite additional quantity needed to irrigate the full 310 acres, were being beneficially used as early as July 16, 1976. However, the license was only issued for the 2.81 cfs. Claim 35-8024 is for the additional 3.59 cfs necessary to achieve the 6.4 cfs needed to irrigate the full 310 acres, however, the application for the permit for 35-8024 was not filed until 1982. The claimants may want to check into the history of use of the 3.59 cfs prior to the next hearing.

ORDER CONTINUING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

The hearing on the *Motion to File Late Notice of Claim* shall be heard at **1:30 p.m., m.s.t., Tuesday, June 21, 2005, at the Adams County Courthouse, 201 Industrial Ave., Council, Id. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.**

Dated: May 18, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER CONTINUING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONTINUING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on May 18, 2005, with sufficient first-class postage to the following:

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

CRAIG D GOODWIN
PATTY V GOODWIN
1624 W 300 N
BLACKFOOT, ID 83221
Phone: 208-684-5499

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".