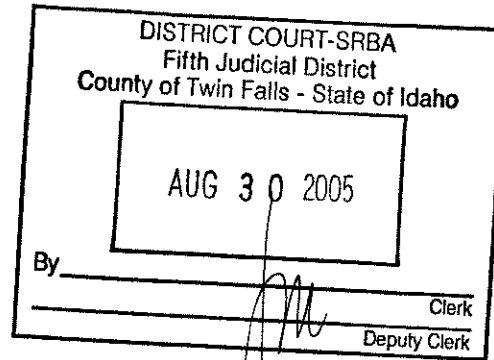


RECEIVED

AUG 31 2005

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

Water Right Claim: 36-7763

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 10, 2005, claimant Roost Potato Company, by and through its counsel Roger Ling, filed a *Motion to File Late Notice of Claim* for the above water right. Hearing was held on the *Motion* on April 21, 2005, before the Court. At the hearing, the Court found that the Claimant had demonstrated an excuse for the late claim and a meritorious position. However, because substantially all water right claims in Basin 36 have been processed through the Court, the late claim was referred to Special Master Theodore R. Booth to determine whether other parties to SRBA would be prejudiced by the late claim.

On July 15, 2005, Special Master Booth issued a *Special Master's Recommendation*. Because of the isolated nature of the source, the Special Master found that there was very little likelihood that holders of water rights in Basin 36 or the Snake River Basin would be prejudiced by granting the *Motion to File Late Notice of Claim*. The Special Master found that good cause exists for granting the *Motion to File Late Notice of Claim*.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own. Therefore, the Court finds that good cause exists for the late Claim to be granted.

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

The original Notices 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.

IT IS SO ORDERED.

Dated August 30, 2005



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 August 30, 2005, with sufficient first-class postage to the following:

ROOST POTATO COMPANY

Represented by:

ROGER D LING

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

RECEIVED

AUG 31 2005

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: 36-07763

Date Received: 8-31-05

Receipt No.: C078999

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Roost Potato Co. Phone: (208) 825-5322

Mailing Address: 1440 East, 750 South, Eden, Idaho Zip: 83325

2. Date of Priority (Only one (1) per claim): November 14, 1977

3. Source of water supply (a): Goose Lake and wastewater flowing therein

which is tributary to (b): sinks

4. a. Location of existing point of diversion is: Township 9S Range 19 EMB Section 20

SE1/4 of SE1/4 of SE1/4, Govt. Lot, _____ B.M., County of Jerome

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Water is pumped through a surface pump and motor into mainlines where it is delivered to the place of use and applied by handlines.Last Name Roost Potato Co. Ident.No. 36-07763

6. Water is claimed for the following purposes:
 (both dates are inclusive) (cfs) (acre feet)
- For irrigation purposes from 3/15 to 11/15 amount 0.8 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed: (a) 0.8 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
09S	19E	20												5				30	35
09S	19E	21											12						12
09S	19E	29		20															20

Total number of acres irrigated: 67

11. In which county(ies) are lands listed above as place of use located? Jerome
12. Do you own the property listed above as place of use? Yes ☒ 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.
 _____ or None (✓)
14. Remarks: _____

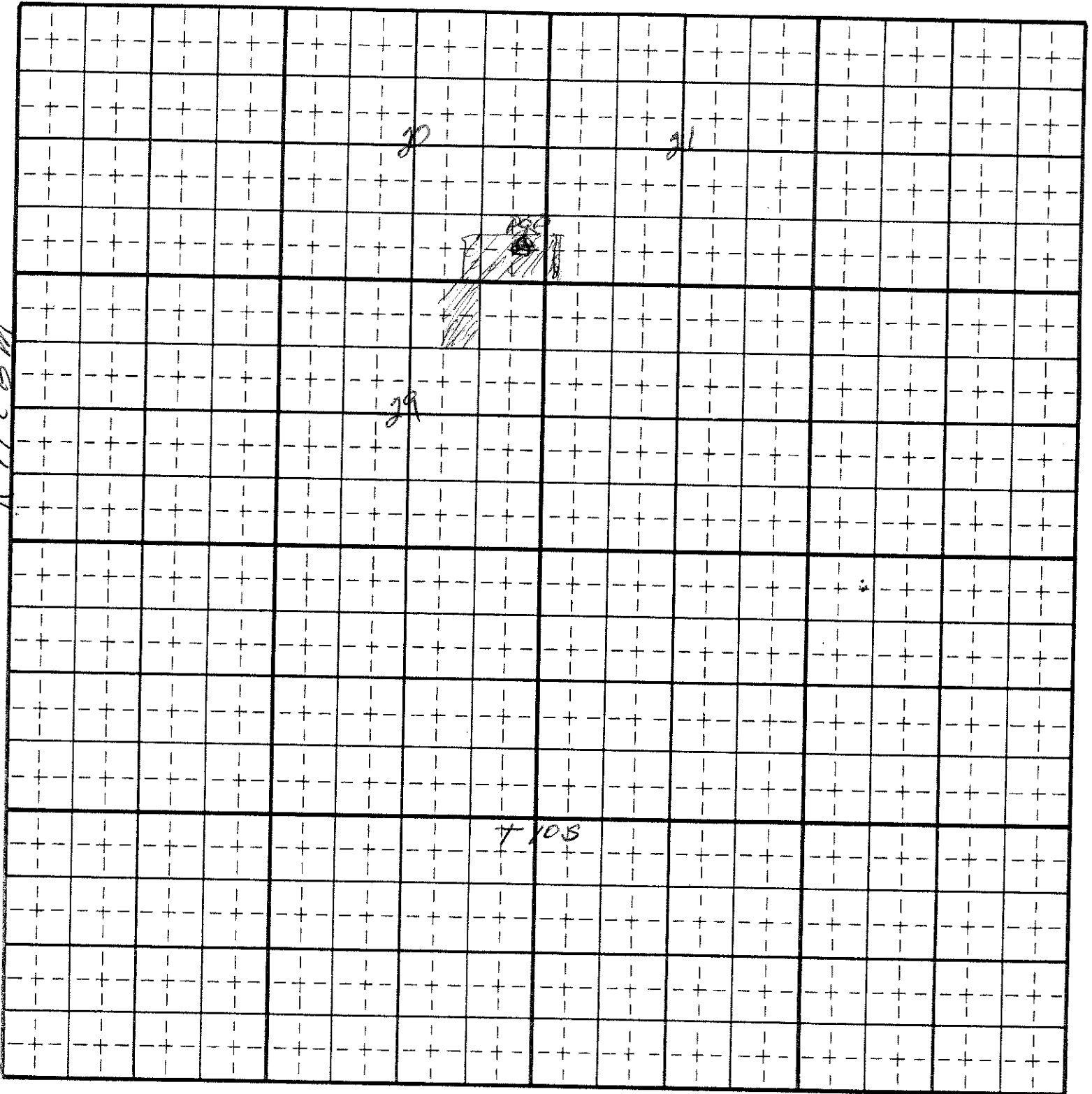
Last Name Roost Potato Co. Ident.No. 36-07763

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 9 S

R 19 E BM



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one): Beneficial Use ____ Posted Notice ____ License ☒ Permit ____
Decree ____
If applicable, provide IDWR Water Right Number.: 36-07763
Court _____ Case No. _____ Decree Date _____
Plaintiff vs. Defendant: _____

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: 0

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 _____
_____ Date _____

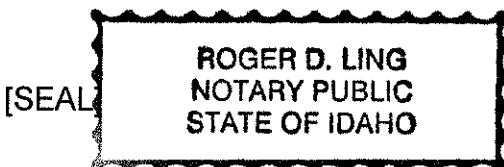
For Organizations: I do solemnly swear or affirm that I am PRESIDENT of Roost Potato Co., that I have signed the foregoing document in the space below as PRESIDENT of Roost Potato Co. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Calvin Jones

Title and Organization President, Roost Potato Co. Date: January 7, 2005

State of Idaho or _____)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 7th day of January, 2005.



Roger D. Ling
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/06

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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 Roger D. Ling
Roger D. Ling
Address Ling, Robinson & Walker
P. O. Box 396, Rupert, Idaho 83350-0396
Date January 6, 2005

Last Name Roost Potato Co. Ident.No. 36-07763