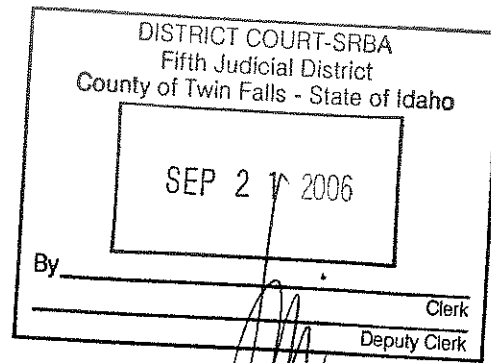


RECEIVED

SEP 22 2006

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

Subcase: 21-07193

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

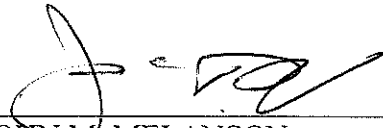
On June 16, 2006, the State of Idaho Department of Transportation, by and through counsel, Steven J. Schuster, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on September 19, 2006. This *Motion* complied with all procedural requirements 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**, upon payment of additional filing fees.

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 September 20, 2006.


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 September 21, 2006, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
STEVEN J. SCHUSTER
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-332-3542

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-7193
Date Received: 9.25.06
Receipt No: C082245
Received By: amc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO
DEPT OF TRANSPORTATION
DIVISION OF HWYS
PO BOX 97
RIGBY ID USA 83442

Phone: (208) 745-7781 DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 16 2006	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 02/28/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	42E	35	NW SE	FREMONT	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.02	1.2

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	42E	35	NW	SE	COMMERCIAL	

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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: 2

For Organizations:

I do solemnly swear or affirm that I am Tom E. Cole of
the Idaho Transportation Dept. Title DISTRICT ENGINEER
Organization that I have signed the foregoing
document in the space below as Tom E. Cole of
the Idaho Transportation Dept. Title DISTRICT ENGINEER
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

DISTRICT Engr. ITD
Title and Organization

June 5, 2006

Date

State of Idaho)
County of Jefferson) SS.

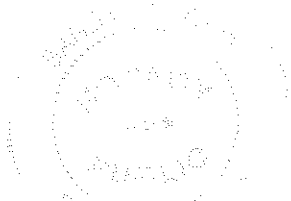
Subscribed and sworn (or affirmed) before me this of 5th June 2006

[Signature]

Notary Public

Residing at Logan, Id.

My commission Expires 10/2008



17. Notice of Appearance:

Notice is hereby given that I, Steven J. Schuster will
be acting as attorney at law on behalf of the claimant signing 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 Steven J. Schuster

Address 3311 West State Street, P.O. Box 7129,

Boise, Idaho 83707-1129

Date June 15, 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho **APPROVED**

1. Name of applicant Idaho Transp. Dept., Division of Highways Phone 745-7781
Post office address Box 97, Rigby, Idaho 83442
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35 Township 9N
Range 42 E.B.M. Premont County, additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 05 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 05 cubic feet per second and/or b. _____ acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pitcher, pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is 6" inches; proposed depth of well is 60 feet.
(Month/Day)
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35 Township 9N
Range 42 E.B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: Water is used by travelers using the Ashton Rest Area.

MICKELSON

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 21-7193 Priority February 28, 1980 Amount 0.02 cfs

THIS IS TO CERTIFY, that Idaho Transportation Dept., Division of Highways
of Rigby, Idaho has complied with the terms and conditions of Permit
No. 21-7193 issued pursuant to Application for Permit dated February 28, 1980
and has submitted proof to the Department of Water Resources on April 24, 1980
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Commercial	from January 1 to December 31	0.02 cfs and	1.2 acre feet
	from _____	_____ cfs and	_____
	from _____	_____ cfs and	_____

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW 1/4, Section 36, Twp.
9N, Rge. 42E in the County of Fremont

Description and location of place of use:

Tract	Range	Section	NE 1/4	NW 1/4	SW 1/4	SE 1/4	SW 1/4	SE 1/4	SW 1/4	SE 1/4	SW 1/4	SE 1/4	SW 1/4	SE 1/4	Totals
9N	42E	36													

Commercial use is Ashton Rest Area.

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
April, 19 82.

NOT RECORDED
Acting for the Director

Norm C. Young