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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 2007	
By _____	Clerk
_____	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 SRBA

Case No. 39576

Subcase: 74-15767

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

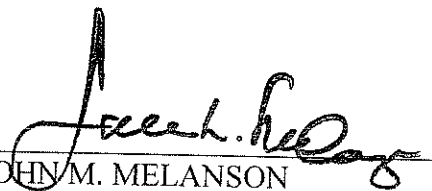
On May 21, 2007, Charles E. Liebrecht, Ray L. Kagel and Nancy J. Kagel, by and through counsel, Kent W. Foster, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 23, 2007. This *Motion* complied with all procedural requirements 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**.

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 August 31, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

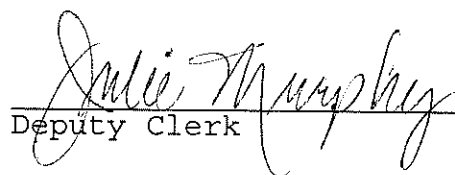
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 31, 2007, with sufficient first-class postage to the following:

CHARLES E LIEBRECHT
NANCY J KAGEL
RAY L KAGEL

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".

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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 74-15767Date Received 9.5.07Receipt Number CD84863NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name of Claimant(s) Charles E. Liebrecht, Ray L. Kagel, Jr., Nancy J. Kagel Phone (208)745-0076Mailing Address 3879 E. 200 N., Rigby, ID Zip 83422

2. Date of Priority (Only (1) per claim) _____

3. Source of water supply (a) Big Bear Creekwhich is tributary to (b) Hawley Creek

4.a. Location of existing point of diversion is:

Township 16N Range 28E Section 31, 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____,County of LemhiAdditional points of diversion if any: NWSW, Sec. 32, T16N., R28E.

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 _____ending point 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. Headgates and ditches

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 03/15 to 11/15 amount *2.0 or _____7. Total quantity claimed (a) *2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

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TWIN FALLS CO., IDAHO
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9. Non-irrigation uses; describe fully (eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	27E	36	0.2			13.6									0.82				14.44
	28E	31					4.05	0.88	26.27	13.66									44.86

Total number of acres irrigated 59.3

11. In which county(ies) are lands listed above as place of use located? Lemhi
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.
74-22 or None ()

14. Remarks:

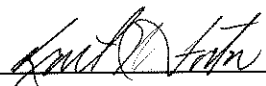
* This is merely a claim to account for the balance of the acreage that has historically been irrigated under right no. 74-22. The Lemhi Decree references only 40.4 acres of irrigated land. With better technology, it appears there is 59.3. Claimants do not claim more than the 2.0 cfs of water under 74-22, just that 18.9 more acres has historically been irrigated. To conform this claim to the Lemhi Decree, a priority of March 15, 1983, has been set forth above for the extra 18.9 acres although to claimants' knowledge the same acreage has been irrigated from the time irrigation first began.

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number 74-15767

Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Organizations: I do solemnly swear or affirm that I am attorney at law for claimants, that I have signed the foregoing document in the space below as attorney for claimants and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent 

Title and Organization Attorney at law for claimants Date May 17, 2007

Last Name Liebrecht, Kagel Ident. Number 74-15767

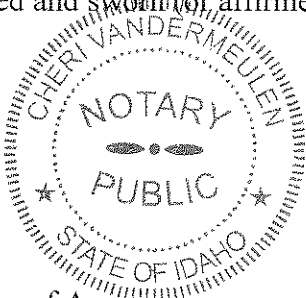
State of Idaho

) SS.

County of Bonneville

)

Subscribed and sworn (or affirmed) before me this 17th day of May, 2007.



Cheri Vandermeulen

Notary Public for Idaho

Residing at: Idaho Falls, ID

My Commission Expires: July 7, 2009.

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster, 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 Kent W. Foster

Address: PO Box 50130, Idaho Falls, ID 83405-0130

Date May 17, 2007