

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED

DEC 19 2007

DEPARTMENT OF SRBA
DISTRICT WATER RESOURCES
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

RR 10 25

In Re SRBA

) Subcase: 85-15688

Case No. 39576

)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)

On March 13, 2007, Patricia B. Smyth and Darlene Dee Lillehaug filed a *Motion to File Late Notice of Claim* for the above-captioned water right. The claim was related to a pending claim before the Special Master and was therefore referred to the Special Master for further proceedings. On June 14, 2007, the Special Master issued a *Special Master's Report on Motion to File Late Notice of Claim*. No party has appeared in opposition to the *Motion*.

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 forthcoming *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: December 17, 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 December 18, 2007, with sufficient first-class postage to the following:

PATRICIA B SMYTH

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

PO BOX 2139

BOISE, ID 83701-2139

Phone: 208-336-0700

DARLENE DEE LILLEHAUG

Represented by:

MERRILY MUNTHERR

PO BOX 199

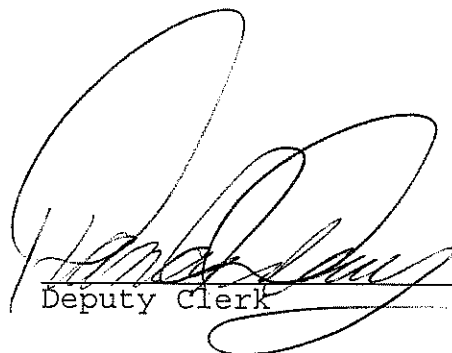
BOISE, ID 83701

Phone: 208-344-4566

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098



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: 85-15688

Date received: _____

Receipt No. : _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

2007 MAR 13 PM 10 44
FILED
DISTRICT COURT - SROA
TWIN FALLS CO., IDAHO

1. Name: Patricia B. Smyth and Darlene Dee Lillehaug Phone: 208-798-1674
1436 Bryden Ave. P.O. Box 1250
Lewiston, ID 83501 McCall, ID 83638
2. Date of Priority: 12/31/1918
3. Source of Water supply (a) Springs/Willow Creek
Which is tributary to (b) North Fork, Willow Creek
4. Location of Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
32N	2W	2	SE	NE	NW	5	Lewis
"	"	"		SE	NW	21	"
"	"	"		NE	SE	18	"
"	"	"		NW	SE	20	"
"	"	"		SE	SE	26	"
"	"	"		NW	SE	2	"
"	"	"		SE	SE	1	"
"	"	"		SW	SE	2	"
"	"	11		NW	NE	2	"
"	"	11		NE	NE	1	"

5. Description of diverting works: springs, piped to home and troughs
6. Water is used for the following purposes:

Purpose	From	To	CFS	AFA
Domestic	1/1	12/31	0.04	
Stockwater	1/1	12/31	0.04	

7. Total quantity claimed is: 0.04 CFS (and/or) AFA
8. Total consumptive use is: de minimus AFA
9. Non-irrigation uses: domestic=1 home; stockwater= 80 head
10. Description of place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use Acs.
Domestic 32N	2W	2	NE	NW	5	

Stock	32N	2W	2	NE	NW	5
	"	"	"	SE	NW	21
	"	"	"	NE	SE	18
	"	"	"	NW	SE	20
	"	"	"	SE	SE	26
	"	"	"	NW	SE	2
	"	"	"	SE	SE	1
	"	"	"	SW	SE	2
	"	"	11	NW	NE	2
	"	"	11	NE	NE	1

11. In which county(ies) are lands listed above as place of use located? Lewis
12. Do you own the property listed above as place of use? Yes
13. Describe any other water rights used at the same place and for the same purposes as described above. 85-15496
14. Remarks:
15. Basis of Claim: Beneficial Use
Water right number:
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Patricia A Smyth Date: 2/16/07
 _____ Date: _____

For Organizations:

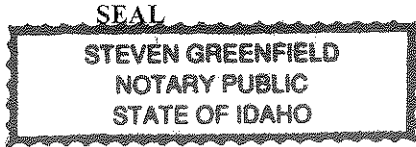
I do solemnly swear or affirm that I am _____ of _____
 _____ Title
 _____, that I have signed the foregoing document in the
 space
 below as _____ of _____, and that the
 statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____

Title & Organization: _____ Date: _____

State of Idaho/or _____)
) SS.
County of NEZ PERCE)

Subscribed and sworn (or affirmed) before me this 16TH day of FEBRUARY, 2007.



Notary Public [Signature]
Residing at Wells Fargo Bank
My Commission Expires: 09/06/2011

17. Notice of Appearance:
Notice is hereby given that I, Albert P. Barker 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: _____

Address: Barker Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

Date: 3/12/2007