

RECEIVED

APR 15 2008

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 11 2008

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

Subcase: 34-13915

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On July 17, 2007, James Phillip Davies filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on October 16, 2007, and the matter was referred to Special Master Brigitte Bilyeu.

On April 9, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. 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 Recommendation* and wholly adopts them as its own. Because of the limited nature of the *Order of Reference* the Court finds no reason to delay entry of this *Order*.

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

April 11, 2008

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

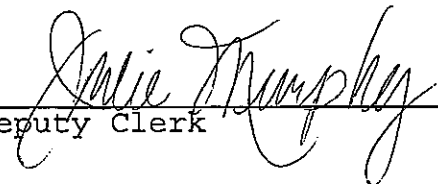
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 11, 2008, with sufficient first-class postage to the following:

PHILLIP JAMES DAVIES

Represented by:
STEVE L STEPHENS
260 GRAND AVE
PO BOX 736
ARCO, ID 83213
Phone: 208-527-3458

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.

FEEs -
OS -
LATE FEE -

100
40
100
240

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 34-13915
DATE RECEIVED: 7/9/2007
RECEIPT NO:
RECEIVED BY:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

2007 JUL 17 AM 10 44
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

1. NAME OF CLAIMANT(S)

PHILLIP JAMES DAVIES PHONE: (208) 554-2591

3128 N 3350 W
MOORE ID USA 83255

2. DATE OF PRIORITY: 05/20/1958

3. SOURCE: GROUND WATER TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY	TYPE
05N	26E	28	NE	SE	BUTTE	

5. DESCRIPTION OF DIVERTING WORKS:

WELL/PUMP TO SAW MILL

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	To	C.F.S.	(OR) A.F.A
INDUSTRIAL		01/01	12/31 0.2	

7. TOTAL QUANTITY APPROPRIATED IS:
0.2 C.F.S.

8. TOTAL CONSUMPTIVE USE:

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
05N	26E	28	NE	SE	INDUSTRIAL	

11. PLACE OF USE IN COUNTIES: BUTTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

INDUSTRIAL USE IS FOR A SAWMILL, WETTING LOG DECKS AND DUST CONTROL.

15. BASIS OF CLAIM: BENEFICIAL USE

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

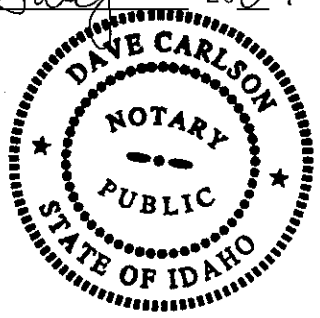
FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): x Phil Davies DATE: 07/09/07
DATE:

STATE OF IDAHO
COUNTY OF Bonneville SS.

9 SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS
OF July 2007



[Signature]
NOTARY PUBLIC

RESIDING AT Rigby, Id
MY COMMISSION EXPIRES 2/26/2008