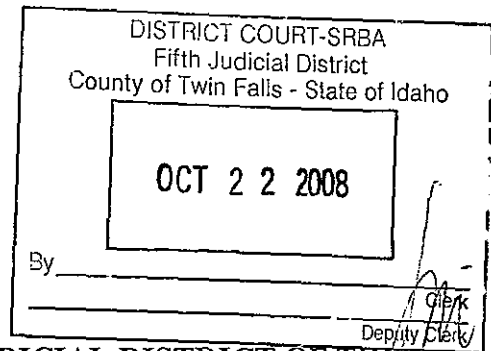




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase: 72-16770

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

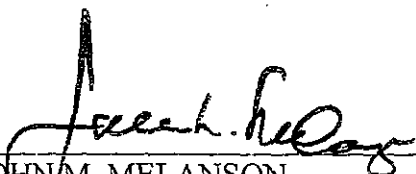
On July 17, 2008, Gary Leuzinger, Timothy Leuzinger and Karen A. Dowton filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on October 21, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, 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 October 22, 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 October 22, 2008, with sufficient first-class postage to the following:

GARY LEUZINGER
KAREN A DOWTON
TIMOTHY LEUZINGER

Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

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 and last names being clearly legible.

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 72-10770

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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

JUL 17 2008

Clerk
Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) Gary Leuzinger & Timothy Leuzinger & Karen A. Dowton Phone (208) 993-0491

Mailing Address (23 Oliver Drive, Salmon, ID 83467) (PO Box 117, Challis, ID 83226) (PO Box 7, Ellis ID 83235) Zip 83467

2. Date of Priority (Only one (1) per claim) 05/01/1952

3. Source of water supply (a) West Pass Creek

which is tributary to (b) East Fork Salmon River

4. a. Location of existing point of diversion Is: Township 08N Range 17E Section 32,

NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Custer

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 _____

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. Existing ditch from West Pass Creek

6. Water is claimed for the following purposes-

(both dates are inclusive)

(Cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 2 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 cfs (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households 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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
08N	17E	29								3.3	13	9.5	22	6					53.8
08N	17E	31	14																14
08N	17E	32						7.4											7.4

Total number of acres irrigated 75.2

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X 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.
72-234 & 72-235 or None ()

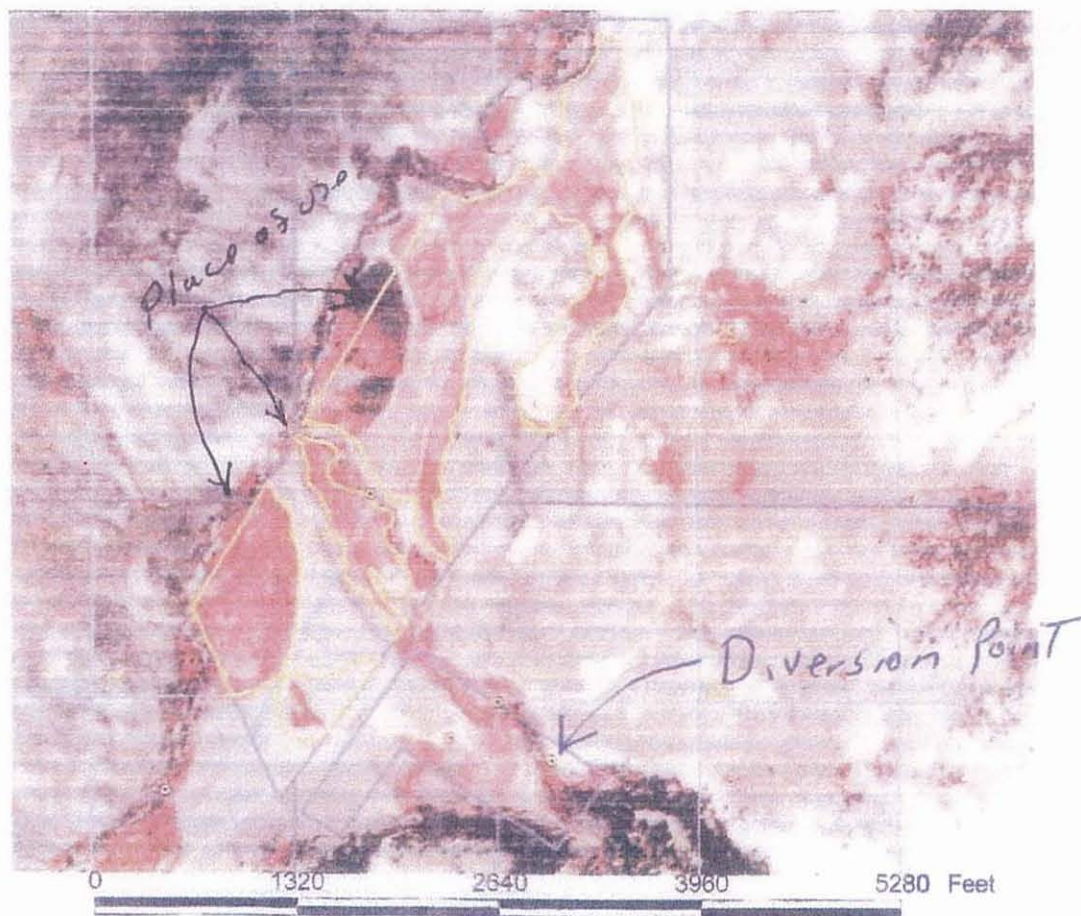
14. Remarks: This application is to supply water at the same level as the historic use on the land covered by 72-234 and 72-235. The current water rights do not allow for adequate water to properly irrigate the property due to the existing soil type.

Last Name Leuzinger Ident No. _____

IDAHO DEPARTMENT OF WATER RESOURCES

**RIGHTS 72-00234, 72-00235
and 72-04130**

**RECOMMENDED PLACE OF USE
TWP 08N, RNG 17E, SEC 29,31,32
data entry on December 11, 1988**



- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER/QUARTER LINES
- SUBDIVISION LOT BOUNDARIES

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

15. Basis of Claim (check one) Beneficial Use, X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 72-16770

Court _____ Case Number _____ 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 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) Timothy George Leuzinger Date 06/27-08

Gary Leuzinger Date 7/11/08

Karen Downton Date 7-7-08

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing

Organization _____
document in the space below as _____ of _____

Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

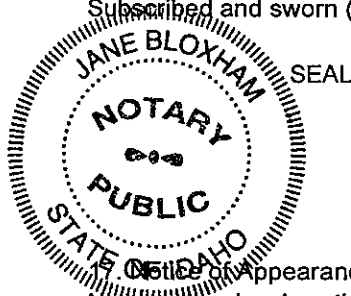
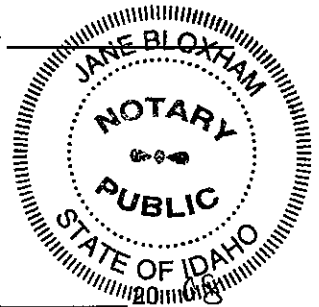
County of Custer) ss.

Subscribed and sworn (or affirmed) before me this

7-11-08 Gary Leuzinger

7-7-08 Karen Downton

Timothy Leuzinger
27th day of June



Notary Public Jane Bloxham

Residing at Challis, ID

My Commission Expires 1-26-10

Please Print Name

Office of Appearance:

Notice is hereby given that I, Jerry R. Rigby 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 Jerry R. Rigby

Address P.O. Box 250, Rexburg, Idaho 83440

Date 7-15-08

Last Name Leuzinger Ident. Number _____