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JAN 22 2009  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JAN 21 2009                                                                             |
| By _____<br>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

Subcase: 23-11392

Case No. 39576

ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM

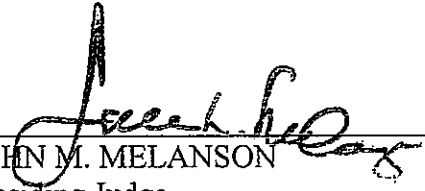
On October 6, 2008, Charles W. Higham, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 20, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative 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 January 21, 2009.

  
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 January 21, 2009, with sufficient first-class postage to the following:

CHARLES W HIGHAM

Represented by:

ROBERT L HARRIS

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



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 23-11392

Date Received \_\_\_\_\_

Receipt Number CO 87932

Received by: \_\_\_\_\_

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

OCT - 6 2008

Clerk  
Deputy Clerk

**NOTICE OF CLAIM  
TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**  
For Domestic and/or Stockwater Purposes  
~~Where Daily Use is less than 13,000 gallons per day.~~ put  
Filing Fee \$25.00—

1. Name of Claimant(s) Charles W. Higham Phone (208) 357-3401  
Mailing Address 370 N. State, Shelley, ID Zip 83274
2. Date of Priority (Only (1) per claim) June 15, 1898
3. Source of water supply ( ) Groundwater or ( ☒ ) Other (a) Rainey Creek  
Which is tributary to (b) South Fork of the Snake River
- 4.a. Location of point of diversion is: Township 2N Range 44E Section 33, SE 1/4 of SE 1/4 of SW 1/4,  
Govt. Lot \_\_\_\_\_, County of Bonneville; Parcel (PIN) No. \_\_\_\_\_  
Additional points of diversion if any: \_\_\_\_\_  
If available, GPS Coordinates: \_\_\_\_\_
5. Description of diverting works (wells, Pumps, Spring Boxes, Pipelines, 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. Headgate and ditch.
6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)  
For Stockwater purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_
7. Total quantity claimed (a) 0.5 cfs (cfs) of (AFA).
8. Non-irrigation uses. Describe fully (e.g. Domestic: give number of households served if single ownership; Stockwater: Type and number of livestock Etc.) Stockwater for 50 cattle and horses.
9. Location of place of use: Township 1N Range 44E Section 4, \_\_\_\_\_ 1/4 of SW 1/4 of NW 1/4,  
Township 1N Range 44E Section 4, \_\_\_\_\_ 1/4 of NW 1/4 of SW 1/4,  
Township 1N Range 44E Section 4, \_\_\_\_\_ 1/4 of SW 1/4 of SW 1/4,  
Govt. Lot \_\_\_\_\_, County of Bonneville For ( ) Domestic ( ☒ ) Stock ( ) Domestic and Stock  
Additional points of diversion if any: \_\_\_\_\_
10. In which county(ies) are lands listed above as place of use located? Bonneville
11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

\_\_\_\_\_ or None ( ☒ )

13. Remarks:

Claimant diverts stockwater from Rainey Creek year round for a majority of the year. Stockwater is diverted with irrigation water to the property under Water Right No. 23-64, which is an irrigation water right.

14. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ Permit \_\_\_\_\_ Decree \_\_\_\_\_ License \_\_\_\_\_ If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

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

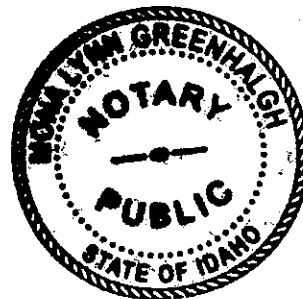
Signature of Claimant(s) Charles W. Higham Date 9/25/08

\_\_\_\_\_ Date \_\_\_\_\_

State of Idaho )  
County of Bingham ) ss.

Subscribed and sworn (or affirmed) before me this 25 day of September 2008.

Mona Lynn Greenhalgh  
Notary Public  
Residing at Bonnamville  
My Commission Expires 8/10/2010



16. Notice of Appearance:

Notice is hereby given that I, ROBERT L. HARRIS 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 Robert L. Harris  
Address P.O. Box 50130 Idaho Falls, ID 83405  
Date Oct. 2, 2008