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FEB 20 2009

DEPARTMENT OF
WATER RESOURCES

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

FEB 18 2009

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

)

Subcase: 83-11962

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

)

)

)

On November 6, 2008, the Idaho Water Resource Board filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 17, 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 February 18, 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 February 18, 2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

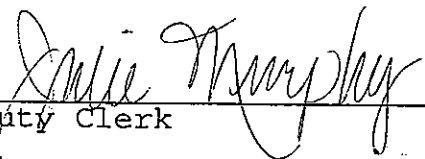
IDAHO WATER RESOURCE BOARD
332 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 2/18/09

FILE COPY FOR 00049

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Jamie Murphy", is written over a horizontal line.

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 83-11962
Date Received: DISTRICT COURT-SRBA
Receipt No: Fifth Judicial District
Received By: County of Twin Falls - State of Idaho

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

NOV - 6 2008
By _____ Clerk
_____ Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) Idaho Water Resource Board Phone (208) 287.4800
Mailing Address 332 E. Front St. PO Box 83720 Boise ID ZIP 83720-0098
Street or Box City State
2. Date of Priority (Only one (1) per claim) 04/01/2005
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other ☒ (a) North Fork Clearwater River
which is tributary to (b) Clearwater River

4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township 39N, Range 10E, Section 18, _____, 1/4 of SW, 1/4 of SW, 1/4

Govt. Lot _____, BM., County of Clearwater

ending point is: Township 40N, Range 07E, Section 6, _____, 1/4 of SE, 1/4 of

NE, 1/4 Govt. Lot _____, BM., County of Clearwater

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. no diversion

Last Name _____ Ident No. _____

6. Water is claimed for the following purposes: Minimum Stream Flow
(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For MSF purposes from 01/01 to 01/30 amount 1,349 or _____

For MSF purposes from 2/01 to 2/28 amount 1038 or _____

For MSF purposes from 3/1 to 3/31 amount 2885 or _____

For MSF purposes from 4/1 to 4/30 amount 5863 or _____

See attachment for remaining timing & flow (license)

7. Total quantity claimed (a) 10,396 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Minimum stream flow to protect instream values

9. Description of place of use: Between PODs in stream channel

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Clearwater Co.

11. 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.

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

_____ or None ()

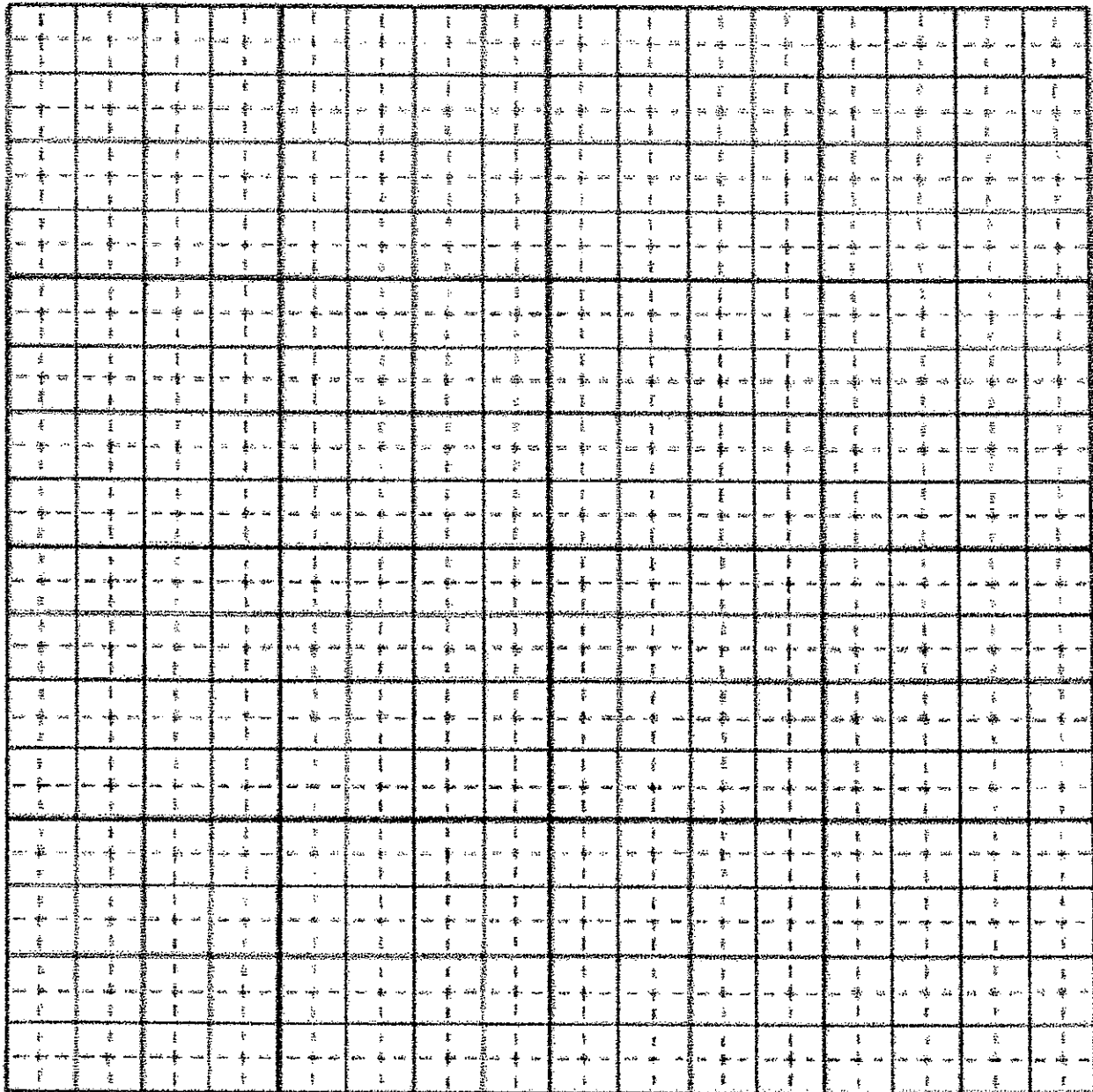
13. Remarks: See attached license for unique conditions of approval

Last Name _____ Ident No. 83-1962

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile

see attached map



Last Name _____ Ident No. 93-11962

14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 83-11962

15. 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 (license & map)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

BUREAU CHIEF of IDAHO WATER RESOURCE BOARD
Title Organization

that I have signed the foregoing document in the space below as

BUREAU CHIEF of IDAHO WATER RESOURCE BOARD
Title Organization

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

Signature of Authorized Agent [Signature] Date 4 NOV 08

Title and Organization BUREAU CHIEF, IDAHO WATER RESOURCE BOARD

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, _____, 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.

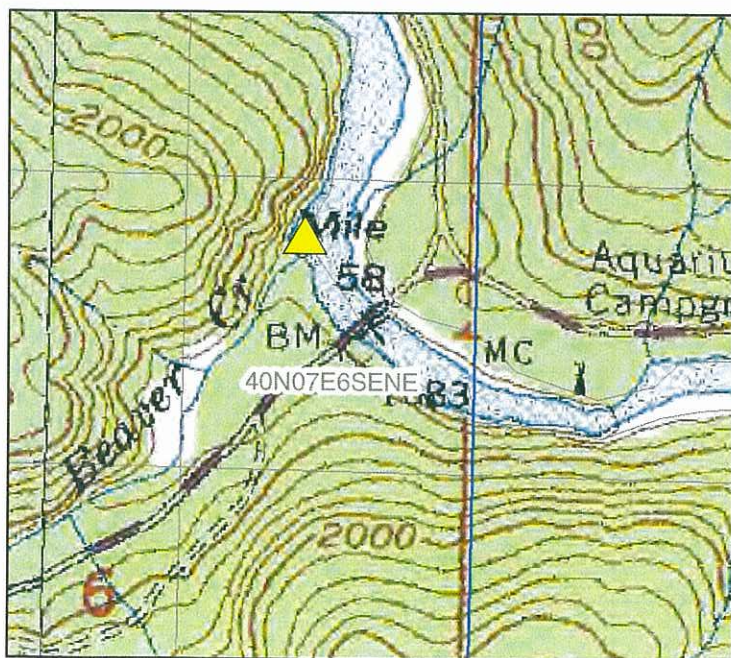
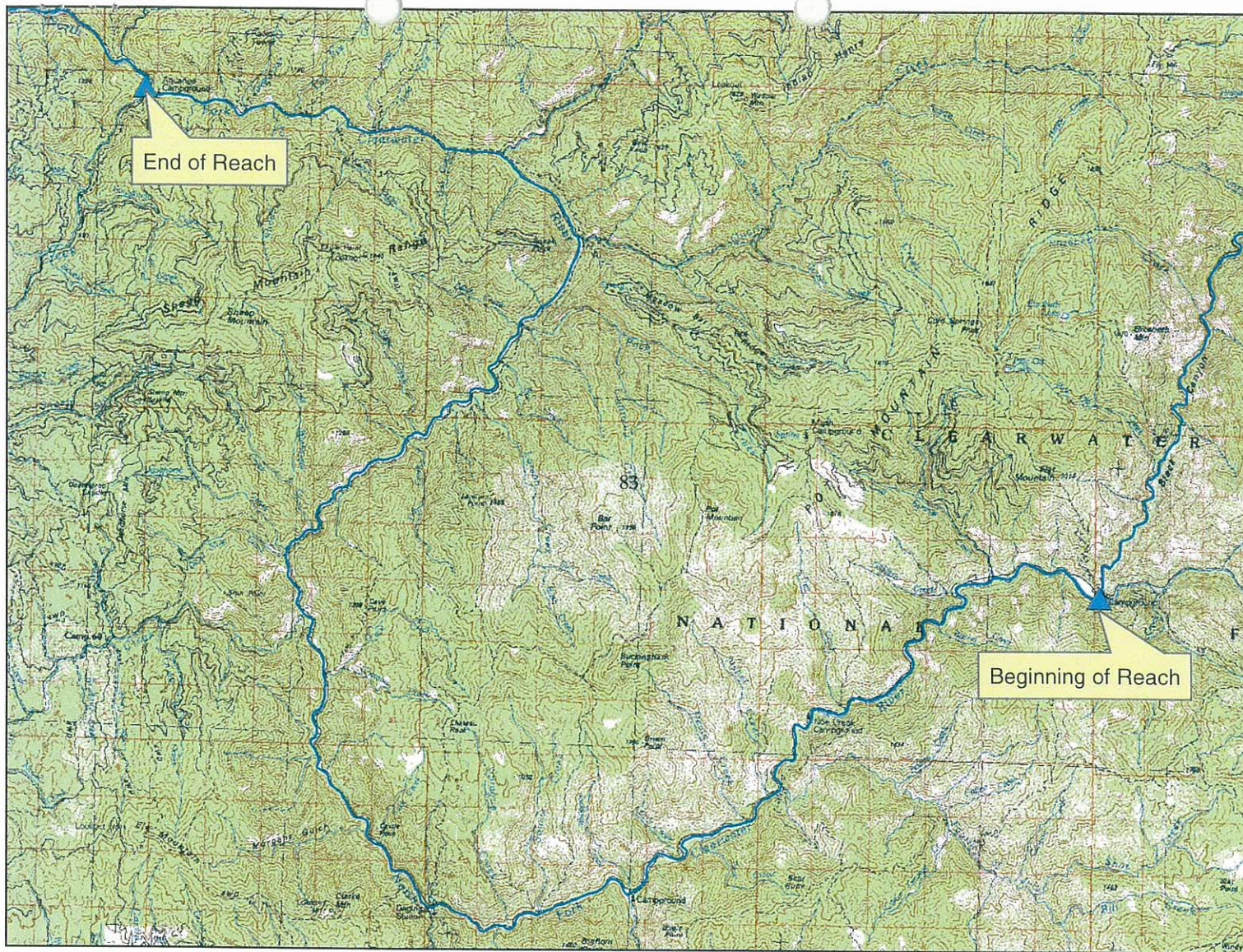
Signature _____

Address _____

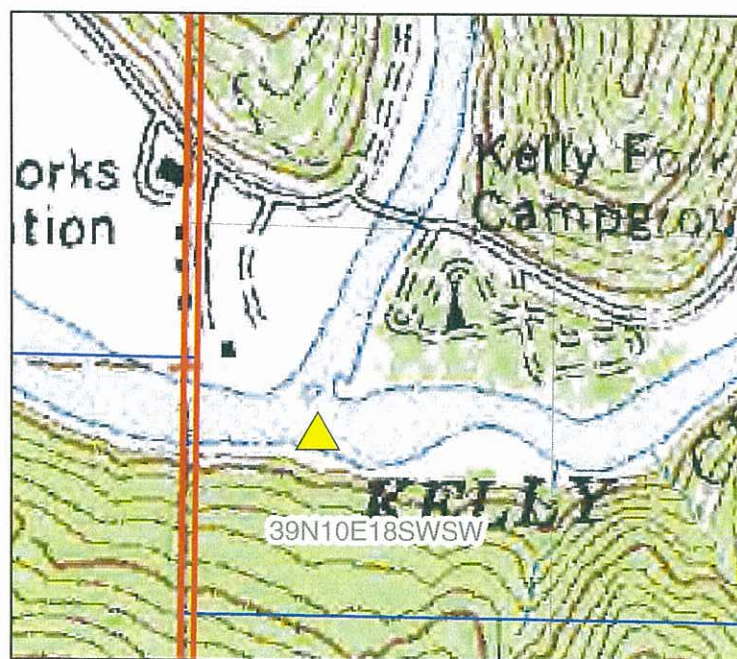
Date _____

Last Name _____ Ident No. 83-11962

83-11962 Minimum Stream Flow Reach



End of Reach



Beginning of Reach



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 83-11962

Priority: April 1, 2005

Minimum Stream Flow: 10,396 CFS

It is hereby certified that IDAHO WATER RESOURCE BOARD
PO BOX 83720

BOISE ID 83720-0098 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 1, 2005; and has
submitted Proof of Beneficial Use on July 9, 2008. A minimum stream flow for:

SOURCE

NORTH FORK CLEARWATER RIVER Tributary: CLEARWATER RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>MINIMUM STREAM FLOW</u>
MINIMUM STREAM FLOW	01/01 to 01/31	1,349 CFS
MINIMUM STREAM FLOW	02/01 to 02/28	1,838 CFS
MINIMUM STREAM FLOW	03/01 to 03/31	2,885 CFS
MINIMUM STREAM FLOW	04/01 to 04/30	5,863 CFS
MINIMUM STREAM FLOW	05/01 to 05/31	10,396 CFS
MINIMUM STREAM FLOW	06/01 to 06/30	8,470 CFS
MINIMUM STREAM FLOW	07/01 to 07/31	2,331 CFS
MINIMUM STREAM FLOW	08/01 to 08/31	1,128 CFS
MINIMUM STREAM FLOW	09/01 to 09/30	873 CFS
MINIMUM STREAM FLOW	10/01 to 10/31	828 CFS
MINIMUM STREAM FLOW	11/01 to 11/30	1,239 CFS
MINIMUM STREAM FLOW	12/01 to 12/31	1,237 CFS

LOCATION OF POINT(S) OF DIVERSION:

NORTH FORK CLEARWATER RIVER SW¼SW¼ Sec. 18, Twp 39N, Rge 10E, B.M.
CLEARWATER County (Beginning of Reach)

NORTH FORK CLEARWATER RIVER L7 (SE¼NE¼) Sec. 6, Twp 40N, Rge 07E, B.M.
CLEARWATER County (Ending of Reach)

CONDITIONS OF APPROVAL

1. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
2. Use of water under this right shall be non-consumptive.
3. Upon future finding and order of the Director that gaging stations are required to administer the approved minimum stream flows, the right holder shall permanently install and maintain gaging stations as specified by the Department.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 83-11962

4. The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the public interest. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that the amendment of this water right would be in the public interest.
5. This minimum stream flow provides for fish habitat.
6. The reach of minimum stream flow approved is described as follows: Beginning at the confluence with Kelly Creek in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, T39N, R10E, B.M., Clearwater County, and extending downstream 44.6 river miles to the confluence with Beaver Creek in Lot 7 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 6, T40N, R07E, B.M., Clearwater County.
7. This right is subordinate to future domestic, commercial, municipal, and industrial uses.
8. This right is subordinate to future non-DCMI development of a total flow rate equal to: (i) 74.88 cfs, or (ii) the flow rate exceeding a base flow equivalent to the unimpaired monthly eighty percent (80%) exceedence flow, whichever is less.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 12th day of August, 2008.


DAVID R. TUTHILL, JR.
Director