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JUL 24 2009

DEPARTMENT OF
WATER RESOURCES

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

JUL 23 2009

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

By

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

) Subcase Nos: 27-12198 & 27-12199

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

On April 29, 2009, Rulon and Kathy Jones, on behalf of Cedar Creek Grazing Assn., filed a *Motion to File Late Notice of Claim* for the above-captioned water rights. A hearing on the *Motion to File Late Notice of Claim* was held on July 21, 2009. No party appeared in opposition to the *Motion* and the *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*.

At hearing on the *Motion*, the Court initially denied the claimants' *Motion to File Late Notice of Claim*, for failure to comply with a deadline set by Special Master Bilyeu in a December 18, 2008 *Order of Final Deadline for Late Claims in Basin 27*. However, upon reconsideration, the Court finds that the hearing on any *Motions* filed after the April 10, 2009 deadline but before May 1, 2009 would occur on the same day as the hearing on *Motions* filed before the deadline.

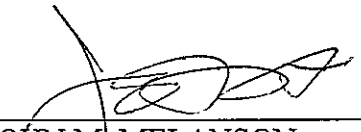
THEREFORE, IT IS ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water rights is **granted**.

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. The Idaho Department of Water Resources can administratively split the claim among the three claimants and report the claims in the forthcoming *Late and*

Miscellaneous 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 July 22, 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 July 23, 2009, with sufficient first-class postage to the following:

CEDAR CREEK GRAZING ASSN
C/O RULON & KATHY JONES
PO BOX 472
FIRTH, ID 83236

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

ORDER

Page 1 7/21/09

FILE COPY FOR 00716


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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

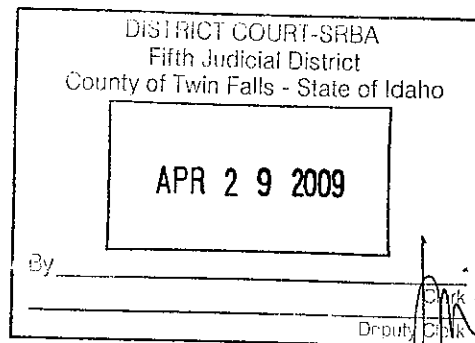
CIVIL CASE NUMBER: 39576

Ident. Number 27-12198
Date Received: 4/28/2009
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CEDAR CREEK GRAZING ASSN Phone: (208) 346-6648
C/O KATHY AND RULON JONES
PO BOX 472
FIRTH ID USA 83236



2. Date of Priority: 04/15/1967

3. Source: COLE CREEK Trib. to: CEDAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	38E	25	NW SE	BINGHAM	

5. Description of diverting works:

EARTHEN DAM IN CREEK TO FORM POND. THEN BURIED PLASTIC PIPE IN POND TO RISERS
TO HANDLINES PRESSURIZED VIA GRAVITY FLOW.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.06	

7. Total Quantity Appropriated is:
0.06 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
02S	38E	25	NW SE	IRRIGATION	3.1
Section Acres					3.1
Total Acres					3.1

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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: _____

For Organizations:

I do solemnly swear or affirm that I am President/Owner of
Title
Cedar Creek grazing asso. that I have signed the foregoing
Organization
document in the space below as pres./owner of
Title
Cedar Creek grazing asso. and that the statements contained in the
Organization
foregoing document are true and correct.

Bobby Kern
Signature of Authorized Agent

pres./owner Cedar creek grazing asso.
Title and Organization

4/28/09
Date

State of Idaho)

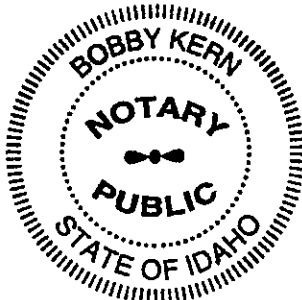
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of April 2009.

Bobby Kern
Notary Public

Residing at Idaho Falls, ID

My commission Expires 9-12-2014



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

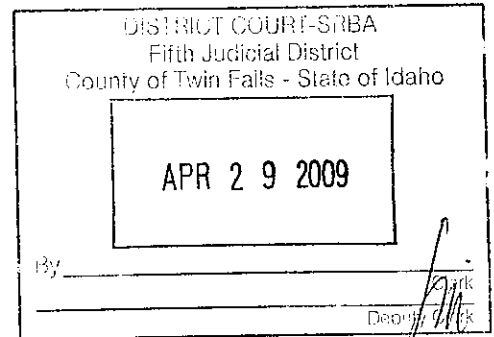
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CEDAR CREEK GRAZING ASSN Phone: (208) 346-6648
C/O KATHY AND RULON JONES
PO BOX 472
FIRTH ID USA 83236



2. Date of Priority: 04/15/1967

3. Source: CEDAR CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	38E	25	SE SE NW	BINGHAM	
02S	38E	25	SE SE NW	BINGHAM	I
02S	38E	25	SE SE NW	BINGHAM	R

5. Description of diverting works:

CANVAS DAM TO NORTH DITCH TO FLOOD IRRIGATION. WATER ALSO INJECTED INTO COLE CREEK CHANNEL AND INTO SOUTH DITCH TO FLOOD IRRIGATION. WATER CAN ALSO BE DIVERTED INTO CENTER DITCH TO FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.27	

7. Total Quantity Appropriated is:
0.27 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
02S	38E	25	SW	NW	IRRIGATION	6.5
			SE	NW	IRRIGATION	7.1
					Section Acres	13.6
					Total Acres	13.6

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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: _____

For Organizations:

I do solemnly swear or affirm that I am president/owner of
Title
Cedar Creek grazing asso., that I have signed the foregoing
Organization
document in the space below as pres/owner of
Title
Cedar Creek grazing asso. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

pres/owner Cedar Creek grazing asso.
Title and Organization

4/28/09
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of April 2009.

[Signature]

Notary Public

Residing at Idaho Falls, ID
My commission Expires 9-12-2014

