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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

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: 83-11966

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

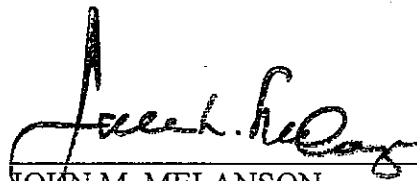
On April 9, 2009, the Idaho Water Resource Board filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on July 21, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made 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 July 23, 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:

IDAHO WATER RESOURCE BOARD

Represented by:

STATE OF IDAHO

700 W JEFFERSON ROOM 210

P O BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 7/23/09

FILE COPY FOR 00050

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "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

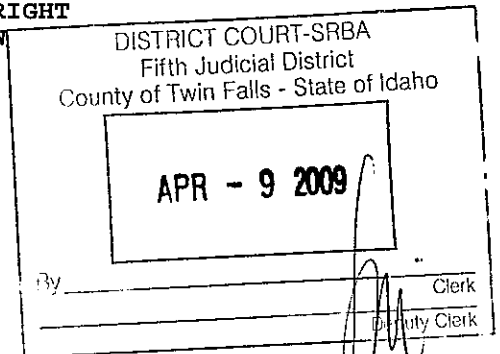
Ident. Number 83-11966
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone: (208)287-4800

IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID USA 83720-0098



2. Date of Priority: 04/01/2005

3. Source: CLEARWATER RIVER NORTH FORK Trib. to: CLEARWATER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
37N	01E	34	SW NE SW	CLEARWATER	

5. Description of diverting works:

There are no diversion works. Single point of reference for flow measurement near north forks confluence with mainstem Clearwater River

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MINIMUM STREAM FLOW	01/01	01/31	2108	
MINIMUM STREAM FLOW	02/01	02/28	2625	
MINIMUM STREAM FLOW	03/01	03/31	4250	
MINIMUM STREAM FLOW	04/01	04/30	10560	
MINIMUM STREAM FLOW	05/01	05/31	16560	
MINIMUM STREAM FLOW	06/01	06/30	9790	
MINIMUM STREAM FLOW	07/01	07/31	2730	
MINIMUM STREAM FLOW	08/01	08/31	1380	
MINIMUM STREAM FLOW	09/01	09/30	1131	
MINIMUM STREAM FLOW	10/01	10/31	1404	
MINIMUM STREAM FLOW	11/01	11/30	2059	
MINIMUM STREAM FLOW	12/01	12/31	2368	

7. Total Quantity Appropriated is:
16560 C.F.S.

8. Non-irrigation uses:

9. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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10. Place of use in counties:

The place of use for this water right is the reach above the quantification point.

11. Do you own the property listed above as place of use? No

12. Other Water Rights Used: None

SEE 2 - 77A

13. Remarks:

Use of water under this right shall be non-consumptive.

This water right is subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in an amount up to 283 cfs based on 25 percent of the lowest unimpaired median monthly flow or the amount available above a base flow which is equivalent to the unimpaired monthly 80% exceedence flow whichever is less. The 80 percent monthly exceedence flows are as follows: Jan - 1364 cfs, Feb - 1540 cfs, Mar - 2550 cfs, Apr - 6600 cfs, May - 11520 cfs, Jun - 5500 cfs, Jul - 1680 cfs, Aug - 1050 cfs, Sep - 871 cfs, Oct - 954 cfs, Nov - 1305 cfs, and Dec - 1480 cfs.

The purpose of this instream flow is to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality and is equivalent to the unimpaired monthly 80 percent exceedence flows.

When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.

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 after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. 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.

There are no diversions associated with this minimum stream flow water right. The quantification point for this instream flow water right is at the above location.

While the instream flow and the future allocation for non-DCMI uses and base flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the percentages of the unimpaired exceedence flows at the quantification point described in this water right. The unimpaired exceedence flows were estimated using regional regression equations developed by the United States Geological Service. Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director. If actual flow data become available, the quantities in this water right will be

adjusted as necessary to give effect to the exceedence assumption stated above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.

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.

This water right shall be subordinated to all future DCMI uses.

14. Basis of Claim: Statute

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.
- (b.) Number of attachments: _____

For Organizations:

I do solemnly swear or affirm, under penalty of perjury, that I am

BUREAU CHIEF

of

Title

IDAH0 WATER RESOURCE BOARD, that I have signed the foregoing
Organization

document in the space below as BUREAU CHIEF of

Title

IDAH0 WATER RESOURCE BOARD and that the statements contained in the
Organization
foregoing document are true and correct.

B. J. Patten
Signature of Authorized Agent

BUREAU CHIEF, IDAH0 WATER RESOURCE BOARD
Title and Organization

APRIL 7, 2009
Date