

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034

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

Subcase No. 63-33253

MOTION TO FILE LATE NOTICE OF CLAIM

COMES NOW the claimant, BOISE PROJECT BOARD OF CONTROL, by and through its counsel Albert P. Barker, of the firm Barker, Rosholt & Simpson, LLP, and moves this Court pursuant to Idaho Rules of Civil Procedure 7(b)(1) and 55(c) for an order allowing BOISE PROJECT BOARD OF CONTROL (“BOC”) to file a late claim to 7.5 CFS from Blacks Creek to the New York Canal.¹

¹ Point of diversion is SW Quarter of the NE Quarter, Section 15, Township 2N in Range 1E.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of Use is 164,641 irrigated acres within the following irrigation district boundaries: Boise-Kuna Irrigation District, Nampa-Meridian Irrigation District, Wilder Irrigation District, New York Irrigation District, and the Big Bend Irrigation District.

Pursuant to this Court's Administrative Order 1, Rule 4, this Court will review a motion to allow the filing of a late claim pursuant to the good cause standard set forth at Idaho Rule of Civil Procedure 55(c).

In support of this claim and in compliance with AO1, Rule 4, BOC has attached a SF4 Motion to File a Late Notice of Claim and a Notice of Claim to a Water Right.

Dated this 25 day of August, 2009.

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

Attorneys for BOC

CERTIFICATE OF MAILING

I certify that on August 27, 2009, I mailed the original and copies of this Motion to File a Late Claim including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

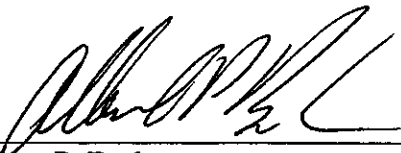
1. Original to:

Clerk of the District
Court Snake River
Basin Adjudication 253
Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document
Depository PO Box
83720 Boise, ID
83720-0098

Chief, Natural Resources
Division Office of the
Attorney General State of
Idaho
PO Box 44449
Boise, ID 83711-4449



Albert P. Barker

Attorneys for BOC