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DEC 23 2009
DEPARTMENT OF
WATER RESOURCES

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

DEC 22 2009

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

Clerk
Deputy Clerk

In Re SRBA

Subcase: 34-14074

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 20, 2009, Robert K. and Carol C. Moss filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 16, 2009. No party appeared in opposition to the *Motion to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On December 22, 2009, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

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 December 22, 2009.



JOHN M. MELANSON
Presiding Judge, *Pro tem*
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 December 22, 2009, with sufficient first-class postage to the following:

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

CAROL C MOSS
ROBERT K MOSS
3490 W 3600 N
MOORE, ID 83255
Phone: 208-554-4302

A handwritten signature in cursive script, appearing to read "Julie 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 34-14074
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

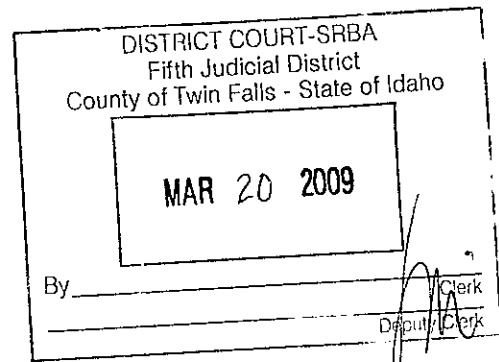
1. Name of Claimant(s)

ROBERT K MOSS Phone: (208)554-4302

3490 W 3600 N
MOORE ID USA 83255

CAROL C MOSS Phone: (208)554-4302

3490 W 3600 N
MOORE ID USA 83255-8731



2. Date of Priority: 04/05/1966

3. Source: ANTELOPE CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	26E	31	SE SE SW	BUTTE	

5. Description of diverting works:

headgate to 3 n 1 ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.8	

7. Total Quantity Appropriated is:
4.8 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
05N	26E	4	NE	NW	3	IRRIGATION	1.6
			NW	NW	4	IRRIGATION	1.7
			Section Acres				
06N	26E	32	NE	SW		IRRIGATION	28
			SE	SW		IRRIGATION	38
			NW	SE		IRRIGATION	19
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	41
Section Acres					165		
06N	26E	33	SW	SW		IRRIGATION	33
			SE	SW		IRRIGATION	11
Section Acres					44		
Total Acres					212.3		

11. Place of use in counties: BUTTE

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

13. Other Water Rights Used: 34-430, 34-873A, 34-837B, 34-2333B & 34-2493

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

Carol C. Moss
Carol C. Moss

(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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert K. Moss Date: 3-16-2009
Carol C. Moss Date: 3-16-09

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this

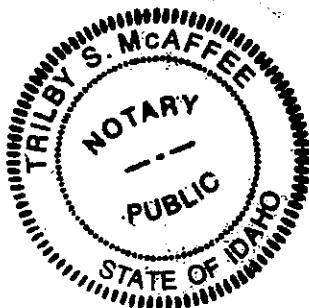
of 3-16 2009

Tulby S. McAffee

Notary Public

Residing at Arco, ID

My commission Expires 1-28-2015



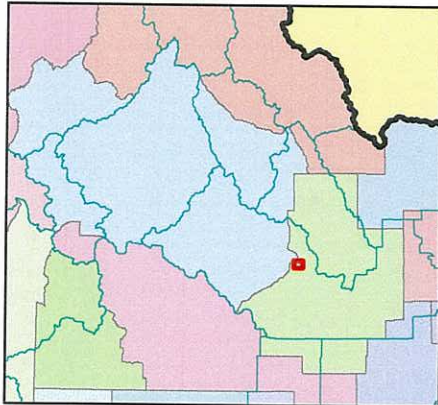


Idaho Department of Water Resources

Adjudication Claim
34-14074
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Butte, Custer Counties
IDWR Basin 34

Prepared by Nathaniel Arave
On March 10, 2009
2004 Aerial Photography

