

RECEIVED

JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

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

JAN 20 2010

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: 22-13955

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 13, 2009, Summerco Inc., by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 19, 2010. 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 January 20, 2010.


ERIC J. WILDMAN
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 January 20, 2010, with sufficient first-class postage to the following:

SUMMERCO INC

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

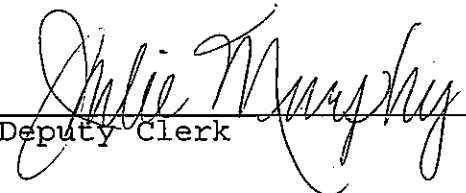
REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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 22-13955
Date Received: 1-21-2010
Receipt No: RECEIVED
Received By: SR7 \$100-
JAN 21 2010

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

SUMMERCO INC Phone: (208)356-7314

27 N 3000 E
SUGAR CITY ID USA 83448

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 13 PM 10 39

2. Date of Priority: 06/01/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	26	NE SW SW	MADISON	

5. Description of diverting works:

WELL AND PUMP TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.1	

7. Total Quantity Appropriated is:
3.1 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
06N	40E	26	NE SW	IRRIGATION	40
			NW SW	IRRIGATION	39
			SW SW	IRRIGATION	39

SE	SW	IRRIGATION	40
NE	NW	IRRIGATION	39
NW	NW	IRRIGATION	39
SE	NW	IRRIGATION	39
SE	NW	IRRIGATION	38
		Section Acres	313
		Total Acres	313

11. Place of use in counties: MADISON

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

13. Other Water Rights Used: 22-2183

14. Remarks:

THIS IS AN EXPANSION OF LICENSE 22-2258.

WATER RIGHTS 22-2258A AND 22-2183 WERE COMINGLED COMBINING POD AND POU. THIS LATE CLAIM IS FOR AN ENLARGEMENT OF 158 ACRES FOR 22-2258A WHICH IS ALSO COVERED BY 22-2183.

15. Basis of Claim: License

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 ~~X~~ 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 _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

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

Signature of Authorized Agent

atty
Title and Organization

10-9-09
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this
9th of October 2009

Mandy Davis

Notary Public

Residing at St. Anthony

My commission Expires 6-24-2011

