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DEPARTMENT OF
WATER RESOURCES

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

MAR 11 2010

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: 31-12181

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 30, 2009, Mud Lake Water Users, Inc., by and through counsel, Robert L. Harris, 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. 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 March 11, 2010, 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 March 11, 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 March 11, 2010, with sufficient first-class postage to the following:

MUD LAKE WATER USERS INC

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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 31-12181Date Received 3-12-2010 SR7Receipt Number CO90222 \$100-

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - SRDA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 30 AM 10 12

1. Name of Claimant(s) Mud Lake Water Users, Inc. Phone (208) 663-4359

Mailing Address PO Box 68, Terreton, ID Zip 83450

2. Date of Priority (Only (1) per claim) May 5, 1969

3. Source of water supply (a) Camas Creek

which is tributary to (b) Mud Lake

4.a. Location of existing point of diversion is:
Township 11N Range 38E Section 25, NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____,
County of Clark
Parcel (PIN) No. _____

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Diversion dam in Camas Creek, water conveyed through the Lone Tree Diversion Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Ground Water Recharge purposes from 01/01 to 12/31 amount 617 cfs or _____

7. Total quantity claimed (a) 617 cfs (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Water is used for ground water recharge.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the table below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	38E	25															E	E	
		36		E			E			E	E					E	E	E	
10N	38E	1	L-1 E			E													
		13	E			E									E	E	E		
		14											E				E	E	
		23	E																
		24		E			E	E	E	E									
10N	39E	5			E	E	L-8 E	L-4 E		E					E		E	E	
		6	L-1 E	L-2 E	E	E	L-3 E			L-4 E									
		7															E	E	
		8		E	E							E	E			E	E		
		18		E			L-1 E												

Parcel (PIN) No(s). _____

Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? Clark

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

If your answer is No, describe in Remarks below the authority you have to claim this water right. Easements from various owners.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (✓)

13. Remarks:

Attached is a USGS gauge report showing a maximum diversion of 617 cfs on May 5, 1969, which is the claimed priority date. An Application for Permit was filed in 1997 for substantially the same water right which was numbered 31-7650. At the time, the applicant was not aware that a beneficial use water right could be claimed in the SRBA as water was put to beneficial use before the mandatory permitting requirements for surface water in 1971.

14. Basis of Claim (Check one) Beneficial Use ✓ Posted Notice _____ Permit _____ Decree ___ License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

Last Name Mud Lake Water Users, Inc. Ident. Number _____

15. Signature(s)

(a) By signing below, I/we acknowledge that I/we have received, read ☒ I 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 1

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney for Mud Lake Water Users, Inc., that I have signed the foregoing document in the space below as attorney for Mud Lake Water Users, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Harris

Title and Organization Attorney, Mud Lake Water Users, Inc. Date October 21, 2009

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

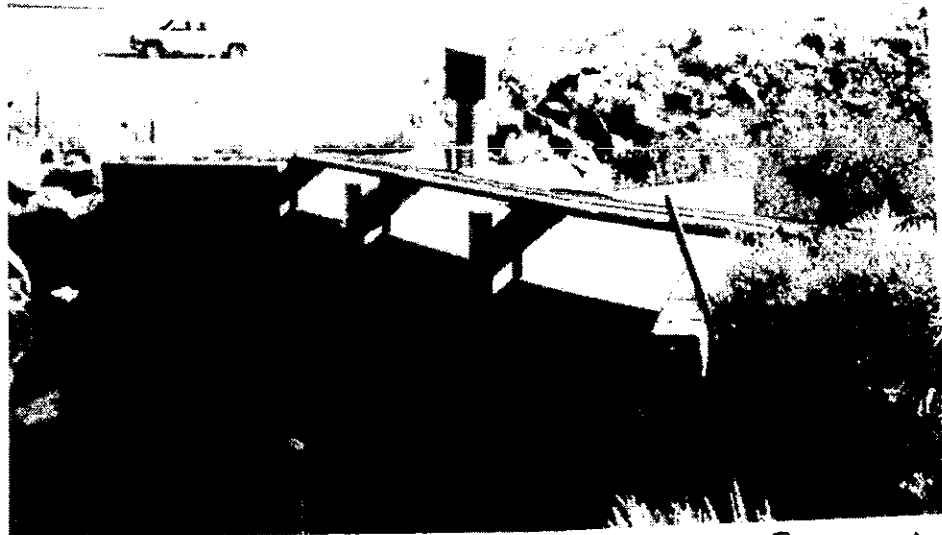
Signature Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date Oct. 21, 2009

Camos Crk Flood Channel
1969

Used rating table dated/...../.....

Gage heights used to half tenths between _____ and _____ feet;
hundredths below and tenths above these limits.

FFICE: 1964-O-726-351



Lone Tree
DIVERSION
Canal

U.S.G.S GAGING STATION
13108600
Hydrologic Unit 17040214
(0.2mi downstream from Point of DIVERSION)



POINT OF DIVERSION
(view down stream)

CAMAS CREEK

31-07650



LONE TREE

DIVERSION FROM CAMAS CREEK
CONTROL STRUCTURE FOR DIVERSION

CAMAS CREEK

View Downstream (South)

31-07650

LONE TREE DIVERSION CANAL

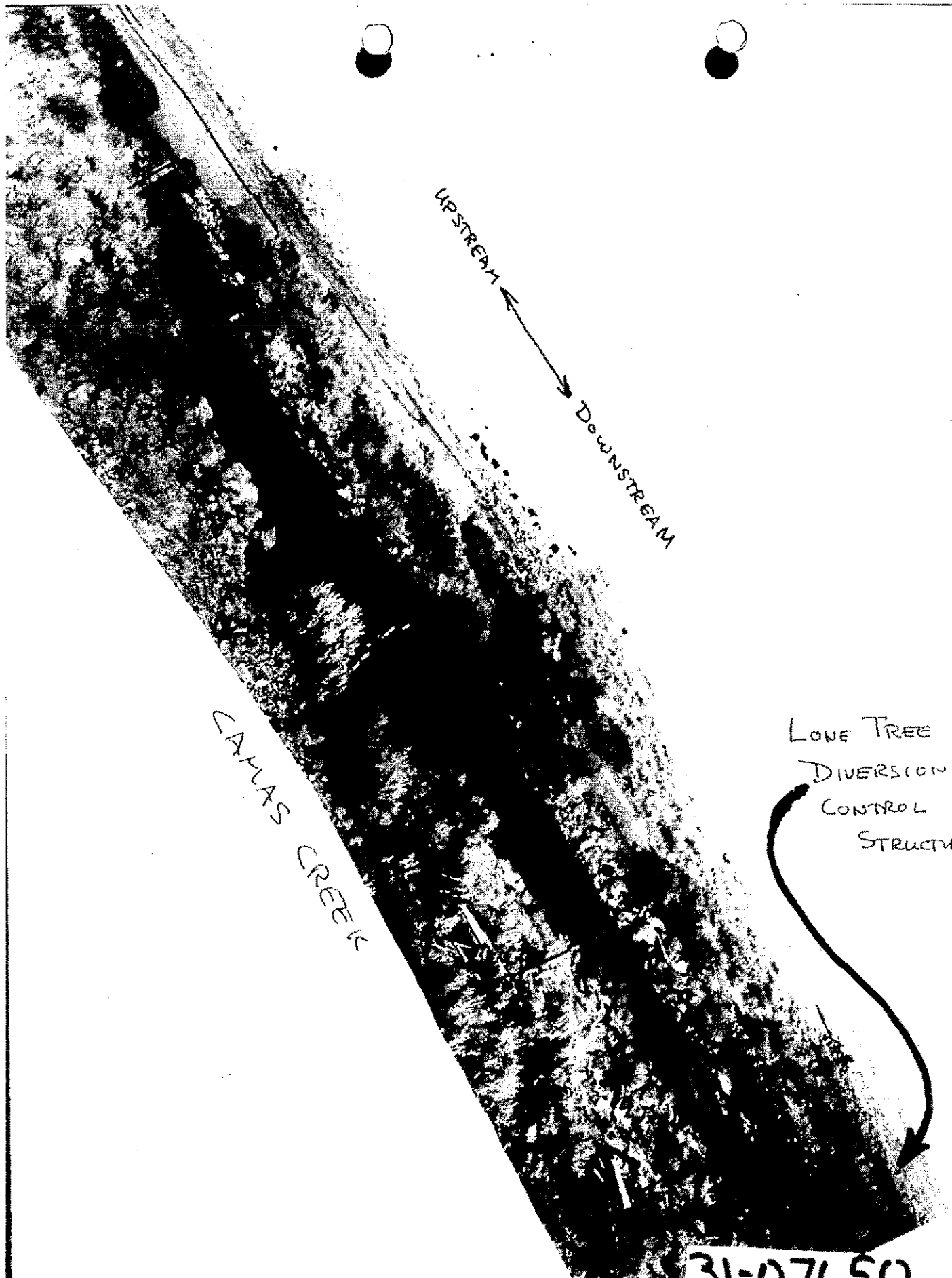
U.S.G.S. GAGE

CAMAS CREEK

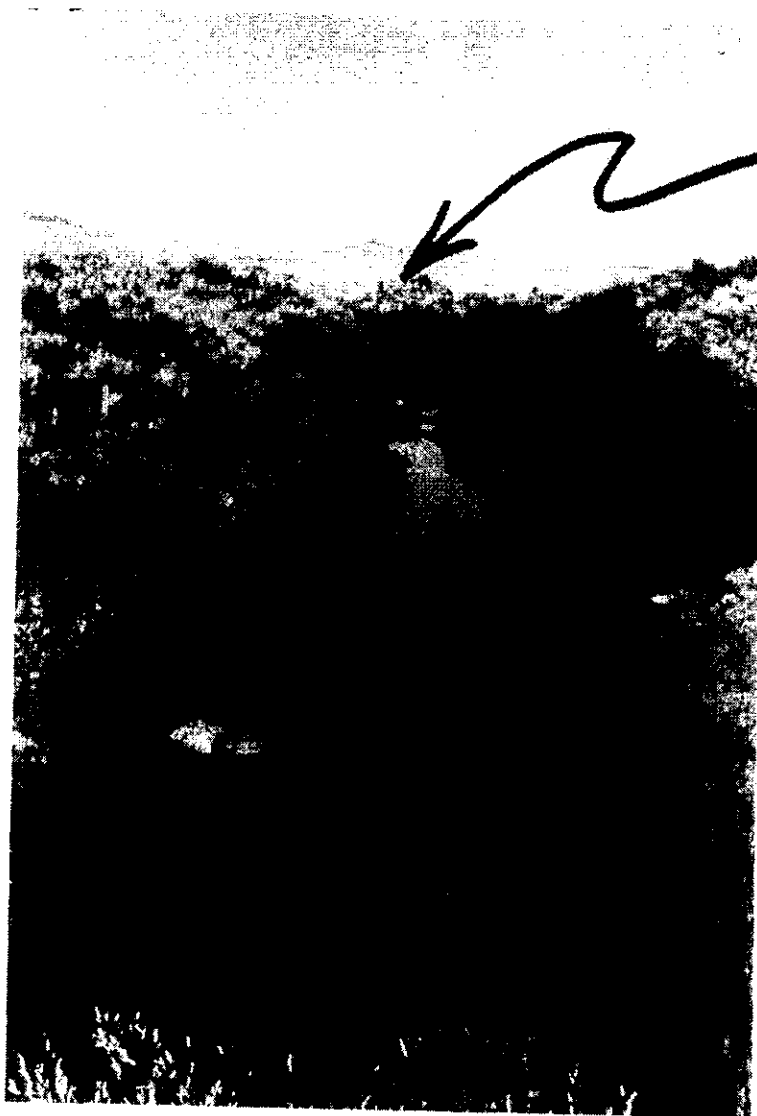


POINT OF DIVERSION FOR LONE TREE DIVERSION
CANAL
(VIEW DOWN STREAM)

31-07650



31-07650



CONTROL STRUCTURE
GAGING STATION
LONE TREE DIVERSION CANAL
U.S.G.S. Gaging Station
13108606

VIEW UPSTREAM
(NORTH)

31-07650