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MAR 26 2010
DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

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

MAR 25 2010

By

Clerk
Deputy Clerk

WATER RIGHT NO: 85-15725

ORDER GRANTING LATE NOTICE OF
CLAIM AND ORDER OF REFERENCE
APPOINTING THEODORE R. BOOTH
AS SPECIAL MASTER

On December 24, 2009, Mary J. Carter ("Claimant") filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on March 24, 2010. Mary J. Carter appeared. No party appeared in opposition to the *Motion*. Following a review of the file and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motion*. In addition, the Court finds that the above-captioned water right may overlap with, or otherwise relate to, other previously decreed water rights, including water right numbers 85-07317A, 85-07317B, and 85-15413. At the hearing, counsel for the Idaho Department of Water Resources represented that the portion of the prior licensed right claimed under 85-15725 was previously recommended and decreed uncontested in error. Accordingly, this may necessitate the Claimant moving to set aside the decree. Therefore, the Court finds it appropriate to refer this claim to the Special Master for the purpose of determining how the above-captioned water right may affect the above-mentioned previously decreed water rights.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.
2. 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 forthcoming *Late Claims Director's Report*. This modifies the provisions of *SRBA Administrative Order 1 4d(2)(h)*.

3. That subsequent to the issuance of the *Late Claims Director's Report*, Special Master Theodore R. Booth be appointed to preside over this matter for further proceedings for the purpose of resolving any impact this matter may have on other previously decreed overlapping or related water rights.

IT IS SO ORDERED.

Dated March 25, 2010



ERIC L. 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 AND ORDER OF REFERENCE APPOINTIN SPECIAL MASTER was mailed on March 25, 2010, with sufficient first-class postage to the following:

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

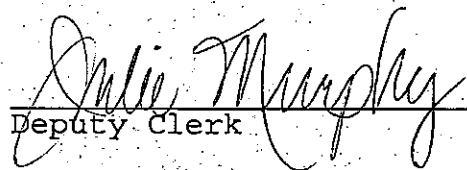
MARY J CARTER
39055 HILLTOP LN
LEWISTON, ID 83501
Phone: 208-791-0740

ORDER

Page 1 3/25/10

FILE COPY FOR 00767

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".

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, MAR 26 2010
IN AND FOR THE COUNTY OF TWIN FALLS

DEPARTMENT OF
WATER RESOURCES

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 85-15725

Date Received: 12/11/2009

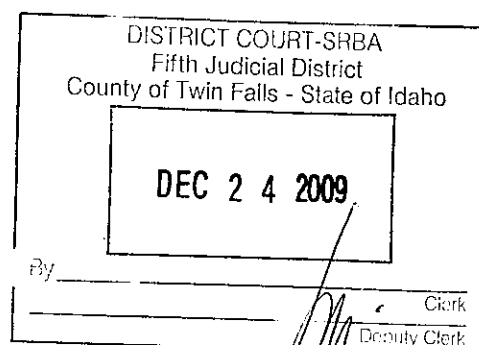
Receipt No: C090 331 \$25-

Received By: SR7 3-26-2010

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARY J CARTER Phone: (208) 791-0740
39055 HILLTOP LN
LEWISTON ID USA 83501



2. Date of Priority: 01/30/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County Type
33N	04W	4	SE SE		NEZ PERCE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	1.2

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
33N	04W	9	NE NE	6	DOMESTIC	

11. Place of use in counties: NEZ PERCE

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

13. Other Water Rights Used:

14. Remarks:

This claims a portion of license right 85-7317.

Parcel #: RP33N04W090003

Domestic use is for 1 home.

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

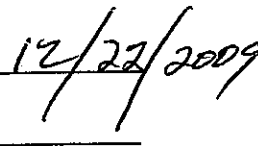
For Individuals:

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

Signature of Claimant(s):



Date:



Date:

Appts mary carter

Week of dec 9th

Wed alec Akin 2pm

Thursday 10th at 2pm

Friday 11th Cara Crea 10:45am

12 noon Carrie Murphy

Saturday the 12th

10:45 Susan Martz

12 Erik Spaulding

1 Nicky Spaulding

2pm Logan Spaulding