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MAY 19 2011

DEPARTMENT OF
WATER RESOURCES

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

MAY 18 2011

By

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

) WATER RIGHT NO: 75-14699

Case No. 39576

) ORDER CONDITIONALLY GRANTING

) LATE NOTICE OF CLAIM

)

)

)

)

On February 9, 2011, Claimants Robert and Jacqueline Ernest filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on May 17, 2011. No party appeared in opposition to the *Motion*. However, at the hearing the Idaho Department of Water Resources notified the Court that Claimants needed to submit an additional \$50.00 late fee associated with the late claim. 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*, provided that Claimants first submit an additional \$50.00 late fee to the Idaho Department of Water Resources.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **conditionally granted** subject to Claimants first submitting an additional \$50.00 payment made payable to the Idaho Department of Water Resources to account for the late claim filing fee.

Dated

May 18, 2011

ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITONALI GRANTING LATE NOTICE OF CLAIM was mailed on May 18, 2011, with sufficient first-class postage to the following:

JACQUELINE ERNEST
ROBERT ERNEST
BOX 132
CARMEN, ID 83462
Phone: 208-756-8045

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.

Court Copy
ERNEST
(ORIG)

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls, Idaho
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM
FEB - 9 2011
By _____
Clerk
Deputy Clerk

CIVIL CASE NUMBER: 39576

Ident. Number 75-14699

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Robert & Jacqueline Ernest Phone (208) 756-8045

Mailing Address Box 132 Carmen ID 83462
Street or Box City State

2. Date of Priority (Only one (1) per claim) April 1, 1915
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Carmen Creek
which is tributary to (b) Salmon River

4. a. Location of Point of Diversion is: Township 22N, Range 22E, Section 02,
NE, 1/4 of NW, 1/4 Govt. Lot 3, BM., County of Lemhi

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

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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. Headgate and ditch from Carmen Creek. Designation C9 for new
fishscreen and splitter works recently installed by Idaho Fish & Game. Construction underway on new headgate.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to October 31 amount 0.036 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.036 (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.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation 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 instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	02							1.7										1.7

Parcel (PIN) no(s).

Total number of acres irrigated 1.7

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

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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

10061Y, 10062W, 00069N, 00070N, all in Water District 75 or None ()

13. Remarks: All above rights have received partial decrees from SRBA court.

Last Name Ernest

Identification No.



Idaho Department of Water Resources

SRBA Recommendation:

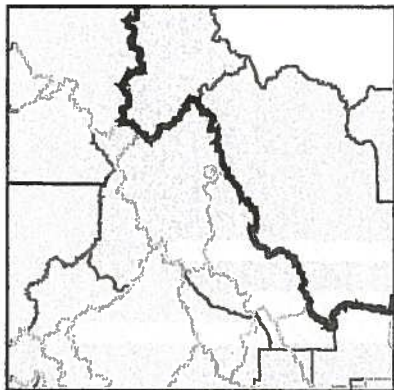
75-10062AC

(Irrigation)

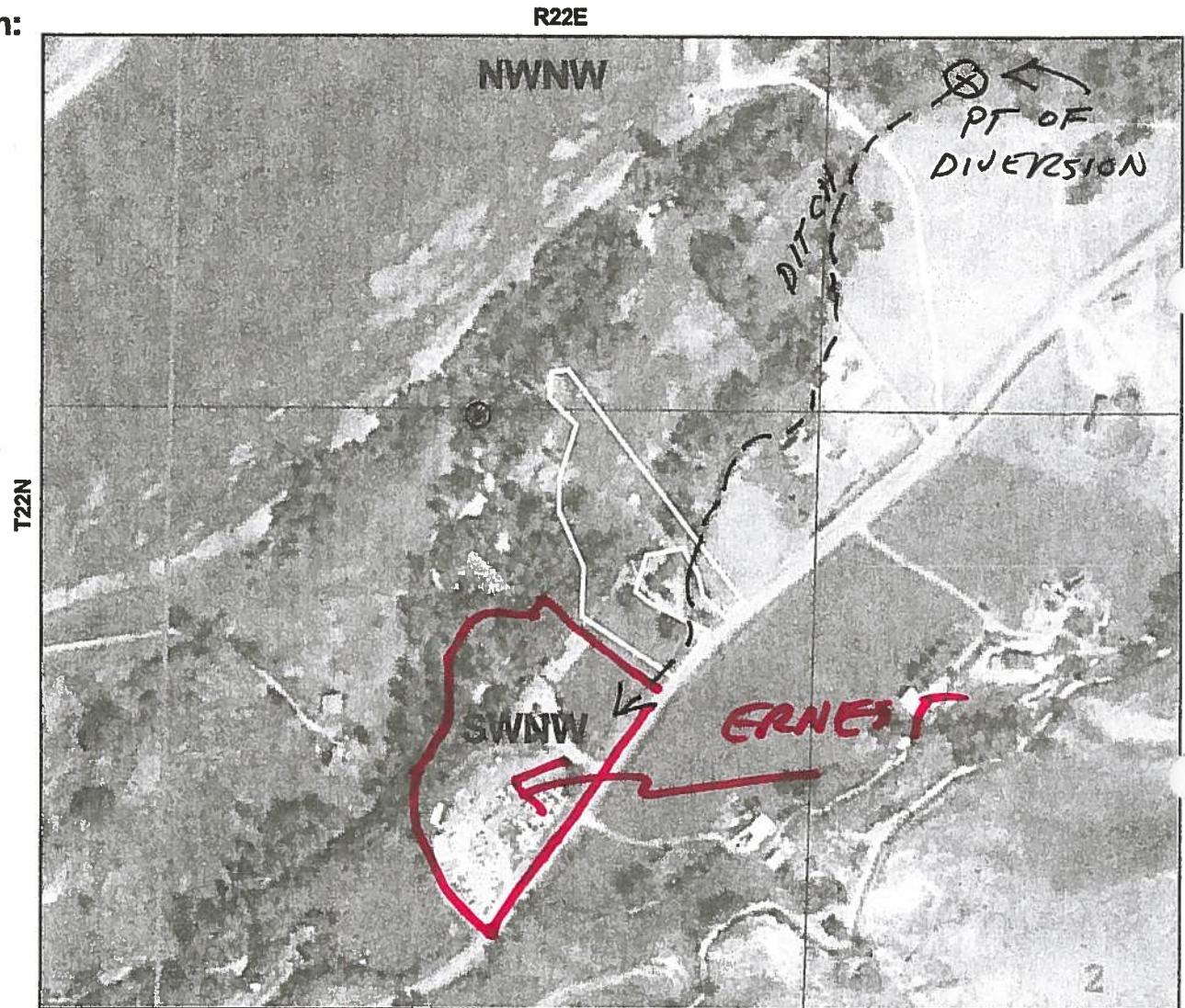
Legend

⊙ Point of Diversion
Place of Use

Townships
 PLS Sections
 Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles



Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 MAP OF DITCH & PROPERTY (IDWA)

✓ 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) Robert M. Ernest Date: 2-7-11

+ Jacqueline Ernest Date: 2-7-11

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name Ernest Identification No. _____