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JAN 19 2012

DEPARTMENT OF
WATER RESOURCES

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

JAN 18 2012

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

) WATER RIGHT NO: 63-33561

Case No. 39576

) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM

On September 16, 2011, DBSI Tieg's 979 LLC, by and through counsel Thomas J. Budge, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on January 17, 2012. No party appeared in opposition to the *Motion*. However, at the hearing, the Idaho Department of Water Resources as well as counsel for the Claimant indicated to the Court that the legal description associated with the claimed place of use contained an error. Counsel for the Claimant expressed his intent to change the claimed place of use to reflect the correct legal description. 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 Claimant first file and serve, as required by *SRBA Administrative Order 1* ("AOI") section 6, an *Amended Late Notice of Claim* with respect to the above-captioned water right claim that corrects the claimed place of use.

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 the filing and service, as required by *AOI* section 6, by the Claimant of an *Amended Late Notice of Claim* with respect to the above-captioned water right correcting the place of use element. Upon receipt by this Court of an *Amended Late Notice of Claim* that conforms with this *Order*, this Court will forward the *Amended Late Notice of Claim* to the Idaho Department of Water Resources for processing.

Dated January 18, 2012.

ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL GRANTING LATE NOTICE OF CLAIM was mailed on January 18, 2012, with sufficient first-class postage to the following:

DBSI TIEGS 979 LLC
Represented by:
THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

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. The signature is fluid and stylized, with the first and last names being clearly legible.

RE: Late Claims

Fritschle, Carter [Carter.Fritschle@idwr.idaho.gov]

Sent: Thursday, September 15, 2011 1:26 PM

To: Julie Murphy

Cc: Shurte, Jan [Jan.Shurte@idwr.idaho.gov]; Sherman, Sally [Sally.Sherman@idwr.idaho.gov]; Saxton, Craig [Craig.Saxton@idwr.idaho.gov]

Hi Julie,

I have assigned claim no. 63-33561 to the enlargement claim associated with right no. 63-3274, and claim no. 63-33562 to the enlargement claim associated with right no. 63-3486. I also noticed that neither claim was signed by the claimant, only a notice of appearance signed by Thomas J. Budge.

Carter

From: Julie Murphy [mailto:JMurphy@idcourts.net]

Sent: Thursday, September 15, 2011 10:53 AM

To: Fritschle, Carter

Subject: Late Claims

Hi Carter -

I have attached two late claims that the court received today without water right numbers. They are both enlargements of Basin 63 rights. Please assign a number to each and email me back ASAP so I can get them filed.

Thanks so much,

Julie Murphy

SEP 15 2011

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number 03-33561

Date Received: _____

Receipt No: 0094568

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) DBSI Tiegs 979 LLC Phone (208) 287-1895

Mailing Address 1550 S. Tech Lane, Meridian, ID ZIP 83642

2. Date of Priority (Only one (1) per claim) November 19, 1987
Street or Box City State
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 2N, Range 2W, Section 31,
NW, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Canyon

Parcel (PIN) no. _____

Additional points of diversion if any: T2N, R2W, 31 NESE, T2N R2W, 31 SESE

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. Ground water wells

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For irrigation purposes from 3/01 to 11/15 amount 0 or 72

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0 (cfs) and/or (b) 72 (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	
2N	2W	31							16										16

Parcel (PIN) no(s). Total number of acres irrigated 16

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

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.

or None (✓)

13. Remarks: This is an enlargement of Water Right No. 63-3274.

Last Name Identification No.



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: 0

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: _____

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, Thomas J. Budge, 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 Thomas J. Budge Date 9-13-2011

Address P.O. Box 1391; 201 E. Center
Pocatello, ID 83204-1391

Last Name _____ Identification No. _____