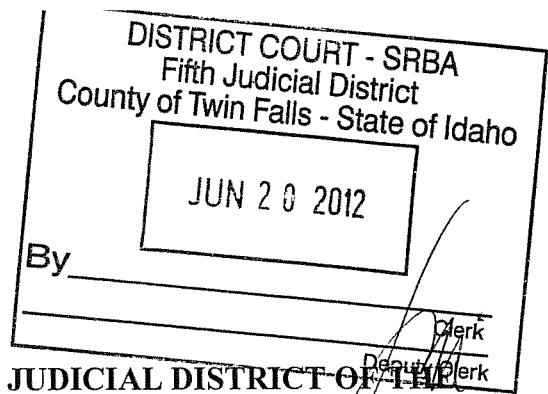


RECEIVED
JUN 21 2012
DEPARTMENT OF
WATER RESOURCES



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

Water Right Claim: 72-16883

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

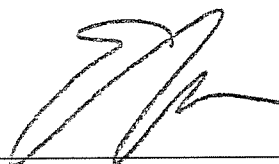
On March 30, 2012, Western States Land Management, Inc., by and through counsel, Scott L. Campbell, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 19, 2012. This *Motion* complied with all procedural requirements under *SRBA 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: June 20, 2012.



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 June 20, 2012, with sufficient first-class postage to the following:

WESTERN STATES LAND

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

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

ORDER

Page 1 6/20/12

FILE COPY FOR 00589

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

JUN 21 2012

DEPARTMENT OF
WATER RESOURCES

WSRBA Form No. 42-1409-1 (Internet 2/09)

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

MAR 30 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 72-16883

Date Received: 6/21/2012

Receipt No: 095585

Received By: SBZ

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Western States Land Management, Inc. Phone (303) 663-8875

Mailing Address P.O. Box 805 Franktown CO ZIP 80116

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) 04/15/1914
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township 11N, Range 18E, Section 14,
NW, 1/4 of SW, 1/4 Govt. Lot 7, BM., County of Custer

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. Currently there is a headgate, a fish screen and a water measuring device in place. Water is diverted out of the Salmon River via the headgate to a ditch locally known as the Marraffio Ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 10.9 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 10.9 (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	
11N	18E	1							21				22	12					55
11N	18E	2																9.5	9.5
11N	18E	11	22							9	10				28.5				69.5

Parcel (PIN) no(s). Total number of acres irrigated 134

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

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.

72-16607 used with 72-16605; also on property for irrigation 72-244A, 72-245, 72-246, 72-247, or None ()
72-4089, 74-4090 and 72-7170

13. Remarks:

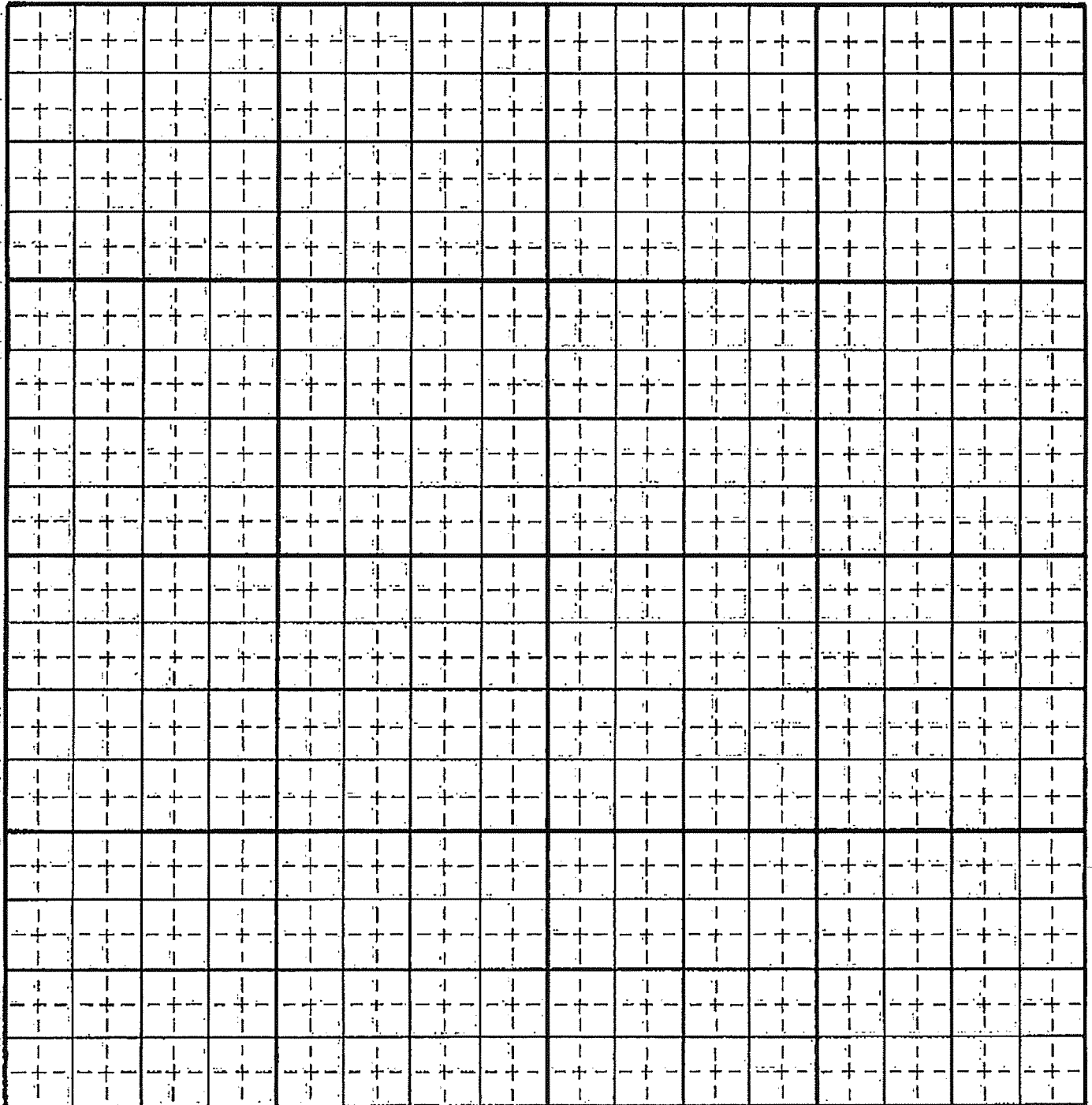
Water Right nos. 72-16605 and 72-16607 were partially decreed in 2002. Subsequent thereto, a measuring device was installed at the point of diversion. It was recently discovered the measurements taken on the diversion exceed the maximum quantity allowed under water rights 72-16605 and 72-16607. The additional quantity sought in this claim is based upon the historic operations of the property and is critical to the irrigation operations of the property.

Last Name Western states Identification No. 12-16883

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Please see map attached hereto as Exhibit A.

Scale: 2 Inches equals 1 mile



Last Name Western states Identification No. 12-16883

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 72-16883

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

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

President _____ of Western States Land Management, Inc.,
Title Organization

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

President _____ of Western States Land Management, Inc.,
Title Organization

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

Signature of Authorized Agent Jerome J. Bensing Date 29 MAR. 12

Title and Organization Jerome J. Bensing, President, Western States Land Management, Inc.

16. Notice of Appearance:

Notice is hereby given that I, Scott L. Campbell, 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 Scott L. Campbell Date 3/30/12

Address Moffatt Thomas Barrett Rock & Fields, Chartered, P.O. Box 829,
Boise, ID 83201-0829; telephone (208) 345-2000

Last Name _____ Identification No. _____

Exhibit A
Point of Diversion and Place of Use for Water Right 72-16883

