RECEIVED
JUL 26 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
JUL 25 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: 21-02039 & 21-02170**
	)	
Case No. 39576	)	**ORDER CONDITIONALLY GRANTING**
	)	**LATE NOTICES OF CLAIM**
	)	
_____	)	

On March 28, 2012, the State of Idaho Department of Fish and Game filed *Motions to File Late Notice of Claim* for the above-captioned water rights. Hearings on the *Motions* were held on June 19, 2012 and July 24, 2012. No party appeared in opposition to the *Motions*. However, at the hearings an issue was raised regarding the payment of the appropriate filing fees associated with the late claims. Counsel for the Idaho Department of Fish and Game represented that the standard practice for the payment of filing fees as between the Department of Fish and Game and the Idaho Department of Water Resources is that if the late claim is granted, the Department of Fish and Game effectuates payment through an interagency billing. Therefore, following a review of the files and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motions*, provided that the Idaho Department of Fish and Game submits the appropriate filing fees associated with the late claims pursuant to its standard practices.

THEREFORE, IT IS HEREBY ORDERED that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **conditionally granted** subject to the Idaho Department of Fish and Game submitting the appropriate late claim filing fees to the Idaho Department of Water Resources pursuant to the standard practice of an interagency billing.

Dated July 25, 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 NOTICES OF CLAIM was mailed on July 25, 2012, with sufficient first-class postage to the following:

STATE OF IDAHO
Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

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

/S/ JULIE MURPHY
Deputy Clerk

IDWR should have copy of the corrected claim form submitted by AG's office

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 28 2012
Clerk
Deputy Clerk

IRT OF THE FIFTH JUDICIAL DISTRICT OF THE
IN AND FOR THE COUNTY OF TWIN FALLS

TION
TER FROM
R SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 21-02039
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) State of Idaho, Idaho Department of Fish and Game Phone (208) 287-2714

   Mailing Address P.O. Box 25 (Street or Box) Boise (City) ID (State) ZIP 83707

2. Date of Priority (Only one (1) per claim) October 16, 1919 (Month Day Year (YYYY))

3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Blue Creek

   which is tributary to (b) Sand Creek

4. a. Location of Point of Diversion is: Township 10N, Range 41E, Section 03 SWNE, NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of Fremont

   Parcel (PIN) no. _____

   Additional points of diversion if any: 10N 41E Sections 9 and 10 (multiple-see map)

   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 Fremont

   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. Dam and headgate structures.

   After acquiring the property to which this water right is appurtenant in 1947, IDFG continued to divert water to fill ponds for open water habitat and recreation within the Sand Creek Wildlife Management Area.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Wildlife purposes from 05-01 to 10-31 amount 8 or 16

For Recreation purposes from 05-01 to 10-31 amount 8 or 16

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8 (cfs) and/or (b) 16 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Water is diverted to fill ponds for open water habitat for the benefit of wildlife/recreation.

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	
10N	41E	3								W	W	W	W						
		9	W			W	W	W	W	W	W			W	W	W	W	W	
		10					W	W	W	W		W	W						

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

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

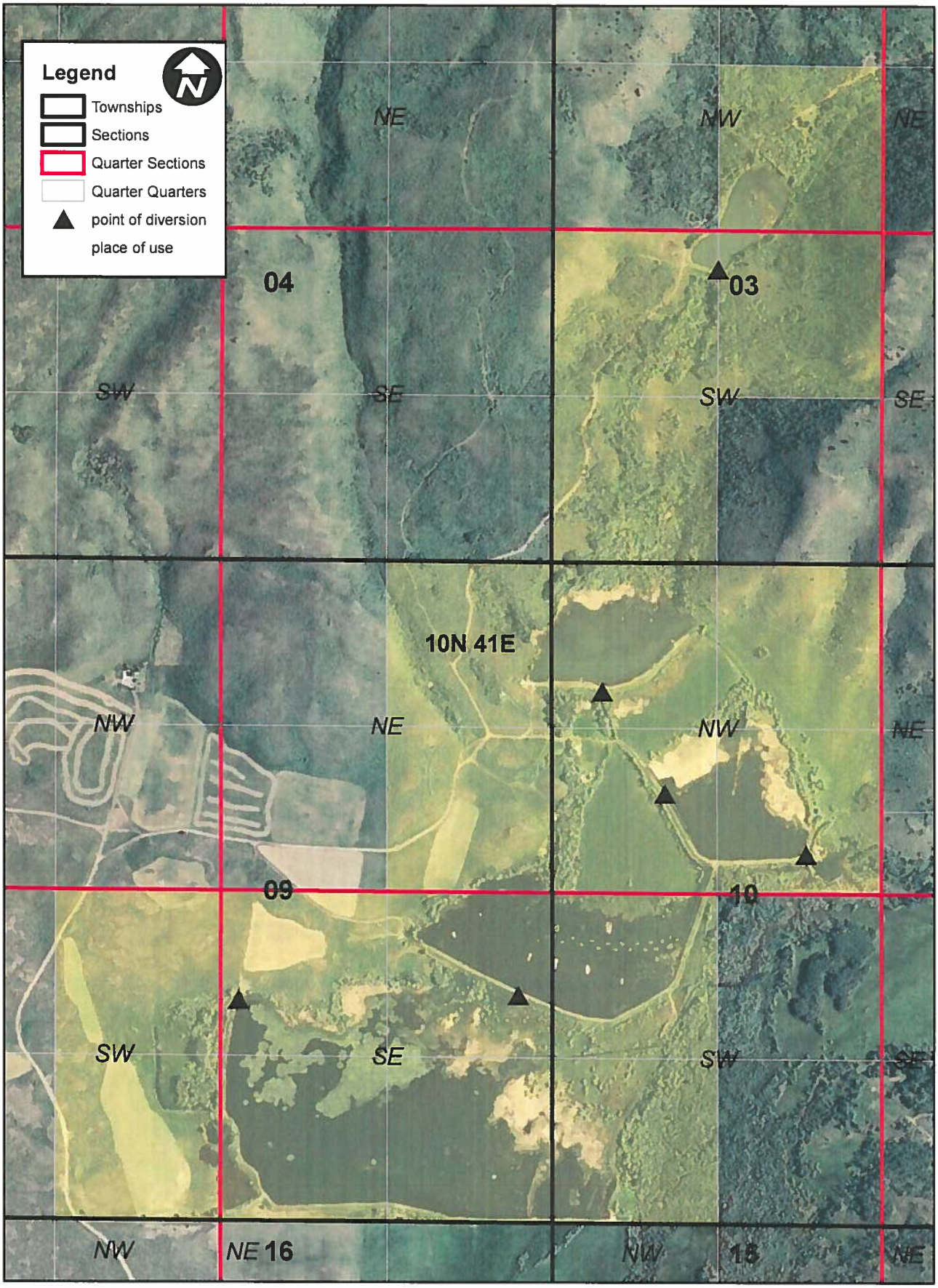
11. Do you own the property listed above as place of use? Yes (✓) No ( )
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

Water rights nos. 21-14, 21-15, 21-2153, 21-2159, 21-4006, 21-4007, 21-4008, 21-7151 or None ( )

13. Remarks: This water right was licensed in 1922. After IDFG acquired the property to which this water right is appurtenant in 1947, IDFG continued to divert the water for wildlife and recreation, both of which are recognized beneficial uses. Because the change in use occurred prior to November 19, 1987, the change in use is allowed under the accomplished transfer statute, Idaho Code 42-1425.

Last Name ID Department of Fish & Game Identification No. 21-02039


Legend
Townships
Sections
Quarter Sections
Quarter Quarters
point of diversion
place of use
NE
NW
NE
04
03
SW
SE
SW
SE
10N 41E
NW
NE
NW
NE
09
10
SW
SE
SW
SE
NW
NE 16
NW
15
NE

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 14459

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 Copy License 14459

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

Director (Title) of Idaho Department of Fish and Game (Organization),

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

Secretary (Title) of Idaho Fish and Game Commission (Organization),

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

Signature of Authorized Agent Virgil Moore Date 3/27/12

Title and Organization Virgil Moore, Secretary, Idaho Fish and Game Commission

16. Notice of Appearance:

Notice is hereby given that I, Harriet A. Hensley, Deputy Attorney General, 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 Harriet A. Hensley Date 3/28/2012

Address Office of the Attorney General, Natural Resources Division

P.O. Box 83720, Boise, ID 83720-0010

Last Name ID Department of Fish & Game Identification No. 21-02039

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAR 2 8 2012
By
Clerk
Deputy Clerk

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

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 21-02170
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) State of Idaho, Idaho Department of Fish and Game Phone (208) 287-2714

Mailing Address P.O. Box 25 (Street or Box) Boise (City) ID (State) ZIP 83707

2. Date of Priority (Only one (1) per claim) October 16, 1919 (Month Day Year (YYYY))

3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Blue Creek

which is tributary to (b) Sand Creek

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Parcel (PIN) no. _____

Additional points of diversion if any: 10N 41E Sections 9 and 10 (multiple-see map)

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. Dam and headgate structures.

After acquiring the property to which this water right is appurtenant in 1947, IDFG continued to divert water to fill ponds for open water habitat and recreation within the Sand Creek Wildlife Management Area.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Wildlife purposes from 05-01 to 10-31 amount 5.8 or 11.6

For Recreation purposes from 05-01 to 10-31 amount 5.8 or 11.6

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.8 (cfs) and/or (b) 11.6 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Water is diverted to fill ponds for open water habitat for the benefit of wildlife/recreation.

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	
10N	41E	3								W	W	W	W						
		9	W			W	W	W	W	W	W			W	W	W	W	W	
		10					W	W	W	W		W	W						

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

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

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.

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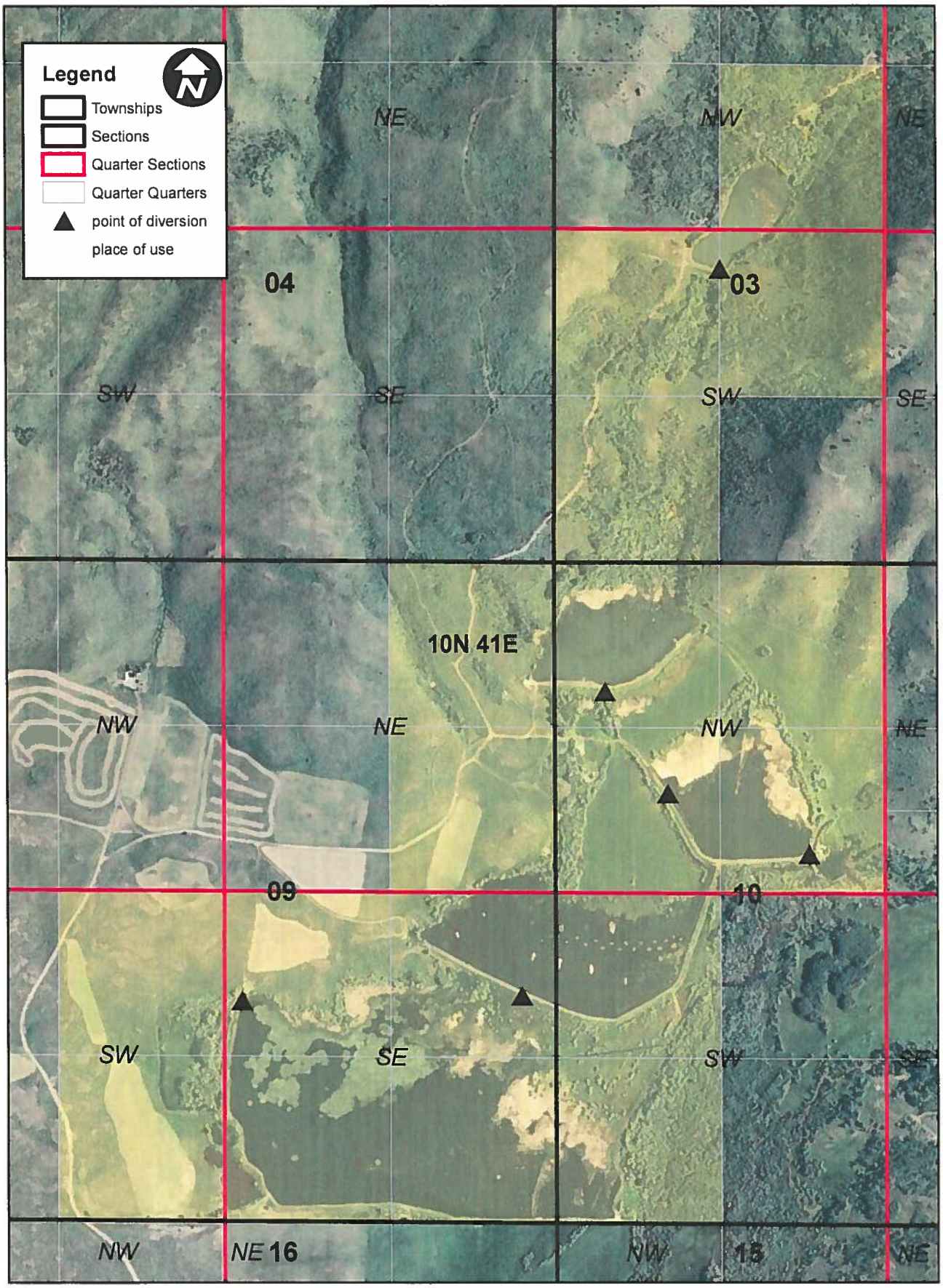
Last Name ID Department of Fish & Game Identification No. 21-02170


Legend
Townships
Sections
Quarter Sections
Quarter Quarters
point of diversion
place of use
NE
NW
NE
04
03
SW
SE
SW
SE
10N 41E
NW
NE
NW
NE
09
10
SW
SE
SW
SE
NW
NE 16
NW
15
NE

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 14459

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 Copy License 14459

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

Director (Title) of Idaho Department of Fish and Game (Organization),

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

Secretary (Title) of Idaho Fish and Game Commission (Organization),

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

Signature of Authorized Agent _____ Date 3/27/12

Title and Organization Virgil Moore, Secretary, Idaho Fish and Game Commission

16. Notice of Appearance:

Notice is hereby given that I, Harriet A. Hensley, Deputy Attorney General, 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 Harriet A. Hensley Date 3/28/2012

Address Office of the Attorney General, Natural Resources Division

P.O. Box 83720, Boise, ID 83720-0010

Last Name ID Department of Fish & Game Identification No. 21-02170