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APR 18 2013

DEPARTMENT OF
WATER RESOURCES

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

APR 17 2013

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. 37-2787

Case No. 39576

) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM

On January 31, 2013, the State of Idaho Department of Fish and Game filed a *Motion to File Late Notice of Claim* for the above-captioned water right claim. A hearing on the *Motion* was held on April 16, 2013. No party appeared in opposition to the *Motion*. However, at the hearing an issue was raised regarding the payment of the appropriate filing fee associated with the late claim. 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 file and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motion*, provided that the Idaho Department of Fish and Game submits the appropriate filing fee associated with the late claim pursuant to its standard practices.

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 Idaho Department of Fish and Game submitting the appropriate late claim filing fee to the Idaho Department of Water Resources pursuant to the standard practice of an interagency billing.

Dated

April 17, 2013

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 April 17, 2013, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

STATE OF IDAHO

PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in black ink and is positioned to the right of the printed text "Deputy Clerk".

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DEPARTMENT OF
WATER RESOURCES

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

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

JAN 31 2013

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-02787

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 Boise ID ZIP 83707
Street or Box City State

2. Date of Priority (Only one (1) per claim) June 30, 1947
Month Day Year (YYYY)

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

4. a. Location of Point of Diversion is: Township 7S, Range 19E, Section 11,
NE, 1/4 of NW, 1/4 Govt. Lot, BM., County of

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. Lateral 702-A, Big Wood Canal System, metal screw gate diversion
structure

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Wildlife Propagation purposes from Mar. 1 to Nov. 30 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (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.) Water is diverted for open water habitat for the benefit of wildlife.

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	
7S	19E	11				W									W				
		12			W			W	W	W	W	W		W		W			

Parcel (PIN) no(s). _____

Total number of acres irrigated N/A

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

_____ or None ()

13. Remarks: The Bureau of Land Management (BLM) and IDFG cooperatively manage isolated parcels of BLM land, commonly referred to as Wildlife Tracts, through the Cooperative Wildlife Management Program. Our ability to cooperatively manage federal land was made possible through the 1960 Sikes Act (P.L. 93-452). The Act originally directed the Department of Interior and Department of Defense to cooperate in developing and implementing fish and wildlife conservation programs on military installations. The Act was amended in 1974 to include cooperation between state and federal agencies for planning.

Last Name ID Department of Fish & Game 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 37-02787

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

Director _____ of Idaho Department of Fish and Game _____,
Title Organization

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

Secretary _____ of Idaho Fish and Game Commission _____,
Title Organization

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

Signature of Authorized Agent Virgil Moore Date 1/29/2013

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 1/30/2013

Address Office of the Attorney General, Natural Resources Division

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

Last Name ID Department of Fish & Game Identification No. _____



