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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

Case No. 39576

) Water Right Claim: 63-5271

)

) ORDER CONDITIONALLY GRANTING

) LATE NOTICE OF CLAIM

)

)

)

)

On January 23, 2013, Richard and Dorothy Bicandi ("Claimants") 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 the Idaho Department of Water Resources notified the Court that the Claimants may need to submit additional fees associated with the late claim in addition to the amount already paid. The exact amount of additional fees was yet to be determined. Following a review of the file and after hearing the comments made in open court, the Court found that good cause exists for granting the instant *Motion*, provided that the Claimants first submit the appropriate additional fees associated with the late claims 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 the Claimants first notifying the Court that the filing fee associated with the late claim has been paid in full.

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:

DOROTHY BICANDI
RICHARD L BICANDI
Represented by:
ALBERT P BARKER
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

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

2013 APR 17 PM 4:11B

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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DEPARTMENT OF
WATER RESOURCES

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

DISTRICT COURT - SRBA
5th Judicial District
County of Twin Falls - State of Idaho

JAN 23 2013

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 63-5271

Date Received: 4-18-13

Receipt No: CD97001

Received By: DB

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) RICHARD L. & DOROTHY BICANDI Phone (208) 459-0428

Mailing Address CALDWELL ID 83605
Street or Box City State

2. Date of Priority (Only one (1) per claim) MAY 1, 1966
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (☒) (a) MASON CREEK SLOUGH
which is tributary to (b) BOISE RIVER

4. a. Location of Point of Diversion is: Township 4N, Range 3W, Section 24,
NW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of CANYON

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 & LATERAL DITCH

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.75 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.75 (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	
4N	3W	13											37.						37.5

Parcel (PIN) no(s).

Total number of acres irrigated 37.5

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

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: Claimants worked with IDWR to get the statutory claim filed and were not aware

SRBA claim was separately required. They only recently became aware that statutory claim would be disallowed without an SRBA claim being filed.

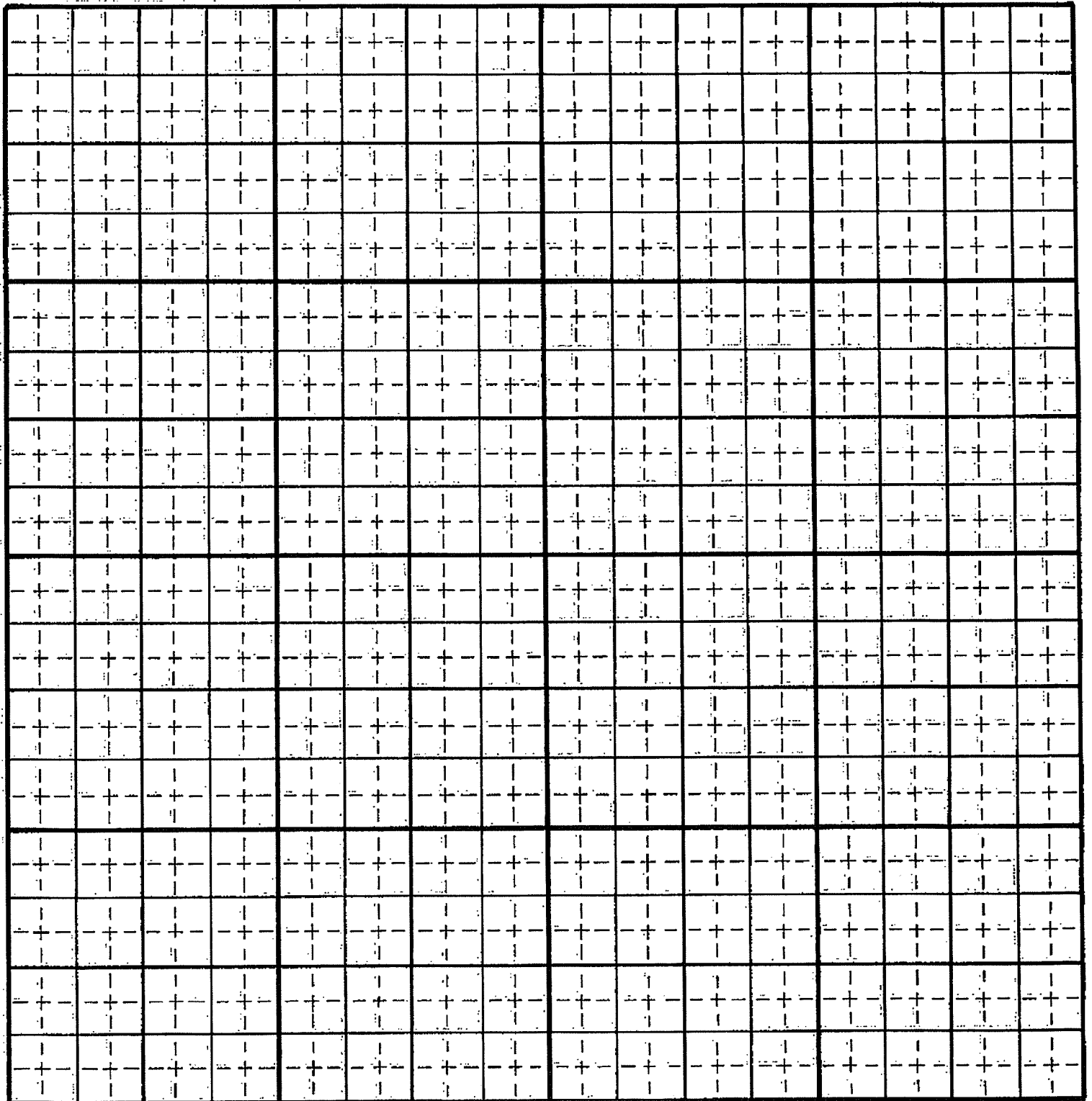
Last Name BICANDI

Identification No.

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.

See attached topo map from original Notice of Claim

Scale: 2 Inches equals 1 mile



Last Name BICANDI 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 63-5271

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: _____

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) Richard Bicandi Date: 1-22-13
Dorothy Bicandi Date: 1-22-13

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, ALBERT P. BARKER, 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.

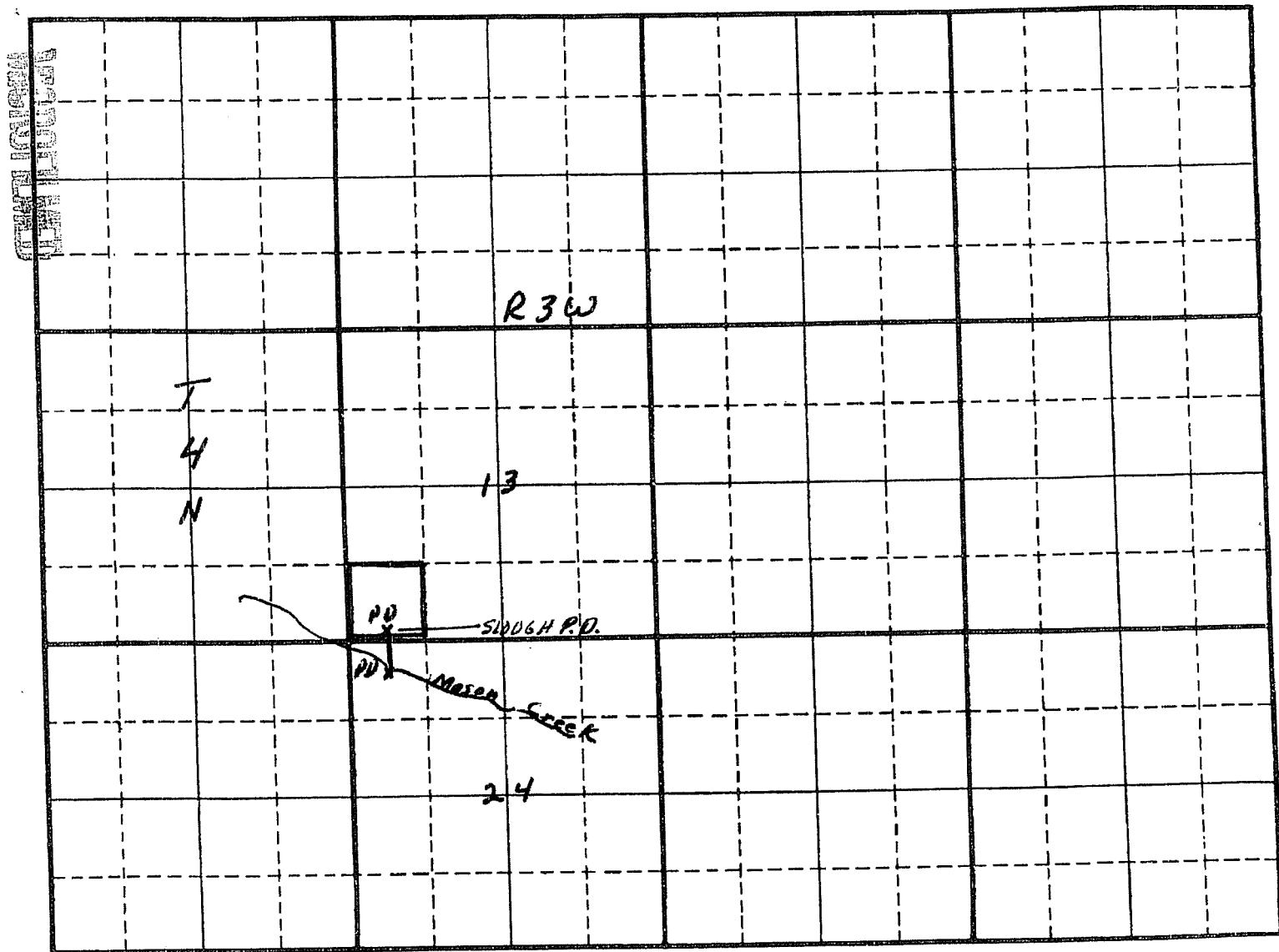
Signature [Signature] Date Jan 22, 2013

Address BARKER ROSHOLT & SIMPSON, LLP

P.O. BOX 2139, BOISE, IDAHO, 83701-2139

Last Name BICANDI Identification No. _____

(8) Remarks This water Right is supplemental to other water rights which may exist under the Mason Creek Ditch Co.



ATTACHMENT