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OCT 17 2013

DEPARTMENT OF
WATER RESOURCES

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

OCT 16 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

) Subcase Nos. 37-7293
)
) ORDER GRANTING RULE 60(b)
) MOTION FOR RELIEF
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On February 13, 2013, the Court entered an *Order* in SRBA subcase no. 00-92099 and SRBA main case no. 39576 closing claims taking and disallowing certain unclaimed water right numbers in basin 37 ("*Closure Order*").¹ Among other things, the *Closure Order* disallowed the above-captioned water right claim. On July 2, 2013, Michelle Wolf filed a *Motion to File Late Notice of Claim*. As part of her *Motion*, Ms. Wolf asked the Court for relief from the *Closure Order* with respect to the above-captioned water right claim pursuant to Idaho Rule of Civil Procedure 60(b)(1). A hearing on the *Motion* was held on October 15, 2013. No party appeared in opposition to the *Motion*.

Following a review of the file and after hearing the comments made in open court, the Court in an exercise of its discretion found sufficient grounds to justify the setting aside of the *Closure Order* pursuant to Idaho Rule of Civil Procedure 60(b)(1) as to the above-captioned water right claim. The rationale supporting the Court's holding was orally set forth on the record at the October 15, 2013, hearing. The Court further found that the *Motion to File Late Notice of*

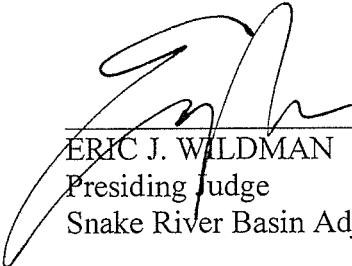
¹ The *Order* referred to is the Court's *Order Closing Claims Taking Basins 01, 02, 03, 31, 34, 35, 36, 37, 41, 45, 47, and 63, and Disallowal of Unclaimed Water Rights*, SRBA main case no. 39576, SRBA subcase no. 00-92099 (Feb. 13, 2013). The *Order* closed basin 37 to the filing of late claims as of January 31, 2013, except for (1) late claims for deferrable *de minimis* domestic and stockwater uses; and (2) late claims required to resolve litigation pending in the SRBA at the time of basin closure.

Claim complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the late Notice of Claim.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The Idaho Rule of Civil Procedure 60(b)(1) request for relief from the *Closure Order* with respect to the above-captioned water right claim **is hereby granted**.
2. The disallowal of water right no. 37-7293 in this Court's *Closure Order* **is hereby set aside**.
3. The *Motion to File Late Notice of Claim* **is hereby 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, a recommendation for the claim will be reported in the next *Late Claims Director's Report*. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

Dated October 16, 2013



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

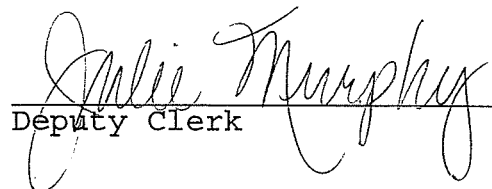
I certify that a true and correct copy of the ORDER GRANTING
RULE 60(B) MOTION FOR RELIEF / ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM was mailed on October 16, 2013, with sufficient
first-class postage to the following:

MICHELLE WOLF
PO BOX 433
FAIRFIELD, ID 83327
Phone: 208-320-2624

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

STATE OF IDAHO DEPT. OF REVENUE

10/16/13

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

Idaho Department of Water Resources Receipt

Receipt ID: C097423

Payment Amount \$679.00 Date Received 6/28/2013 1:57 PM Region STATE
Payment Type Check Check Number 4608
Payer Wolf One Farms, Inc.
Comments Adjudication Late Claim Notice 37-7293

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$679.00	ADJUDICATION LATE FEE	41503	0337			1155

DJB

Signature Line (Department Representative)

*Fees pd
directly to IDWR*

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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

JUL - 2 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 37-7293

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) Michelle Wolf Phone (208) 320 2624

Mailing Address PO Box 433 Fairfield ID ZIP 83327
Street or Box City State

2. Date of Priority (Only one (1) per claim) Oct. 10, 1973
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 1S, Range 14E, Section 33,
NE, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Camas

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. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 4/01 to 11/01 amount 6.59 or 1887.00

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 6.59 (cfs) and/or (b) 1887.00 (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	
1S	14E	28					39	39	40	40	40	40	39	39	39	40	40	39	473
		33	39	39	39		39	39											156

Parcel (PIN) no(s).

Total number of acres irrigated 629

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

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.

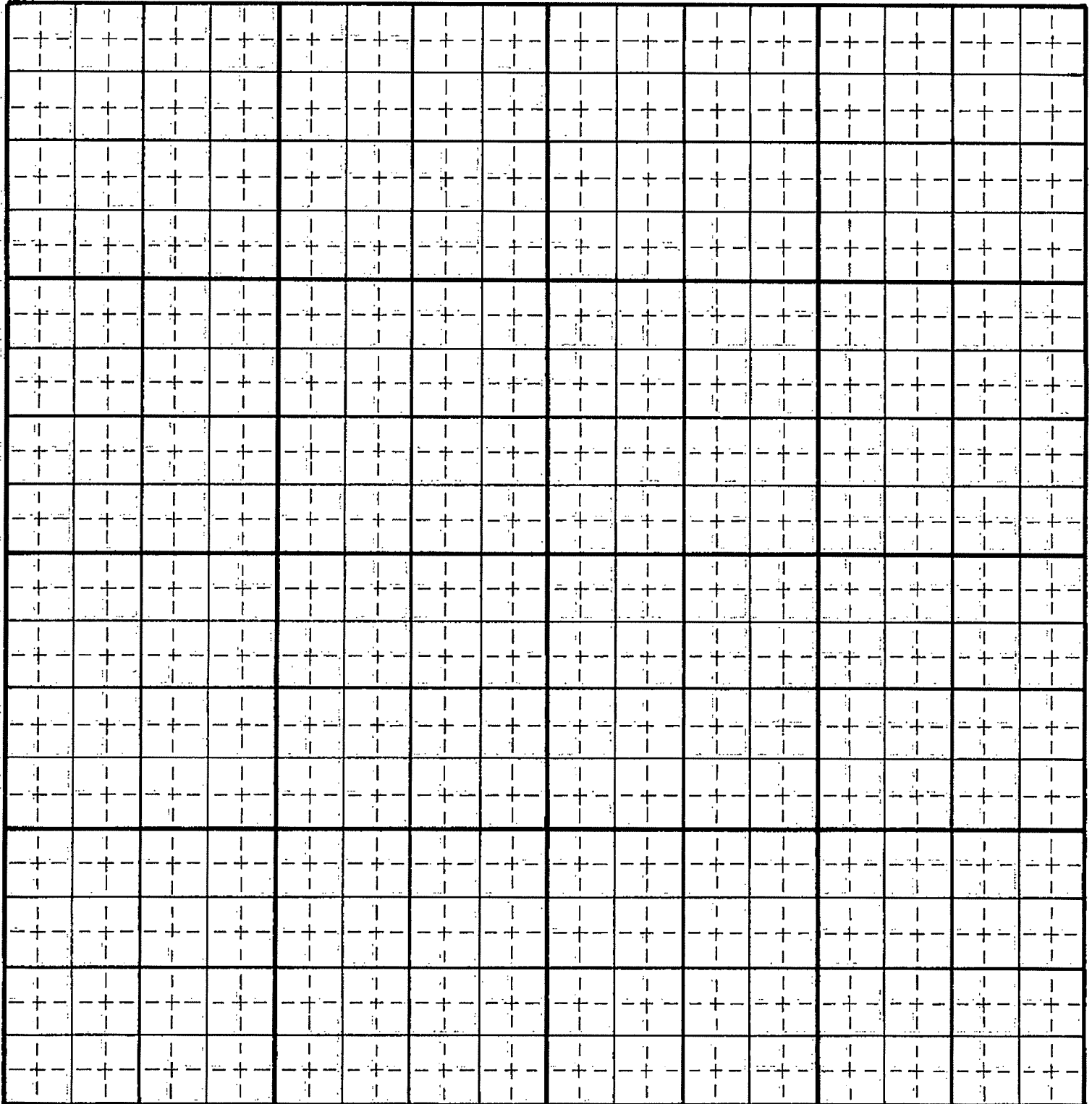
or None ()

13. Remarks:

Last Name 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.

Scale: 2 Inches equals 1 mile



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 37-7293

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 (X) 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) Michael Wolf Date: 6/28/13

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, _____, 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____

This water right was licensed by IDWR on April 1, 1983 with a priority date of October 10, 1973 for the irrigation of 629 acres with 6.59 cfs of ground water. I've attached a copy of the water right license to this motion for late claim. I recognize that this water right was disallowed by the Court on February 13, 2013. I make this motion for late claim based on Idaho Rule of Civil Procedure 60(b), which allows for relief from judgment or order of the court. Subpart (1) of Rule 60(b) allows for relief within 6 months of an order of the court due to mistake, inadvertence, surprise, or excusable neglect.

I feel I meet this standard because the original owner of the property was murdered prior to the transfer of this water right. The buyer of the property has also since died, leaving an elderly widowed woman with no knowledge of the lack of water transfer. All written communication has been being sent to a wrong address.

Because the Court's order disallowing this water right was issued on February 13, 2013, the filing of this motion for late claim falls within the 6 month time frame established in IRCP 60(b).

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Lynn E. Stevenson

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 1 to November 1 at 6.59 cfs and 1887.0 acre feet

from _____ cfs and _____

from _____ cfs and _____

(both dates inclusive)

Description and location of place of use:

[illegible]

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25th day of April 19 83

Acting for the Director

25 DE 7