

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

In Re the General Adjudication of)
Rights to the Use of Water from the)
Snake River Drainage Basin Water)
System.)
_____)

ORDER

THE DIRECTOR FINDS AND CONCLUDES AS FOLLOWS:

1. A general adjudication of rights to the use of water from the Snake River Basin in Idaho has been commenced by order of the District Court of the Fifth Judicial District in and for the County of Twin Falls. The Big Lost River drainage basin is a sub-basin of the Snake River Basin and is included in the Snake River Basin Adjudication (SRBA). The initial service of the commencement notice and claims taking has been completed in the SRBA; the method for additional service of the commencement notice has been approved by the district court and additional service and claims taking is proceeding on a sub-basin by sub-basin basis; and the Director will begin filing Director's Reports of water rights on a sub-basin by sub-basin basis in 1991.

2. The Director of the Idaho Department of Water Resources (IDWR) entered a Final Order (Big Lost River Order) on August 7, 1990, in *In the Matter of the Administration of the Use of the Surface and Ground Waters of the Big Lost River Basin, Water District 34*. The Big Lost River Order provides that rights to the use of ground water within the Big Lost River drainage basin will become subject to the administrative supervision of the Water District 34 watermaster upon satisfaction of the conditions set forth in the order; and that a moratorium is imposed on the consideration and issuance of new permits in the Big Lost River drainage basin until revoked by the Director after the Director's report for the sub-basin is filed with the court in the SRBA, with certain specifically described exceptions. The order further provides that the Director's Report for the Big Lost River sub-basin will be the first report filed in the SRBA, which is tentatively scheduled for the

spring of 1991. The Big Lost River Order is incorporated herein by reference as if set forth in full.

3. The Big Lost River Order provides as follows:

The Director shall give notice to the holders of all permits and licenses to appropriate water within the Big Lost River basin and in connection with which proof of appropriation was submitted after the date of the commencement of the Snake River Basin Adjudication of the requirement to file a claim to such permitted or licensed right in the adjudication, and such claimed rights shall be evaluated along with all other claimed rights being adjudicated.

4. Idaho Code §42-1409(9) provides as follows:

At least one hundred twenty (120) days prior to the filing of the director's report with the court, the director may notify each holder of a permit or license to appropriate water from the water system, for which proof of beneficial use was filed after entry of the court's order commencing a general adjudication, to file a notice of claim within ninety (90) days of mailing of the notice. The director shall notify the holder of the permit or license by certified mail at the most recent address shown in the records of the department.

5. The requirements for filing notices of claims in adjudication of water rights are set forth in the adjudication statute, Idaho Code Title 42, chapter 14; the Adjudications Rules and Regulations, adopted by IDWR pursuant to the adjudication statute; the Commencement Order (commencing the SRBA), entered by the district court November 19, 1987; and the Findings of Fact, Conclusions of Law, and Order Establishing Procedure of Adjudication of Domestic and Stock Water Uses (Small D&S Deferral Order), entered by the district court January 17, 1989.

6. The following is a list of permits or licenses in the Big Lost River sub-basin for which proof of beneficial use was filed after entry of the commencement order but before December 1, 1990:

34-07088	34-07494	34-07512
34-07115	34-07495	34-07518
34-07217	34-07496	34-07519
34-07219	34-07498	34-07528
34-07467	34-07499	34-07539
34-07468	34-07502	34-07469
34-07505		

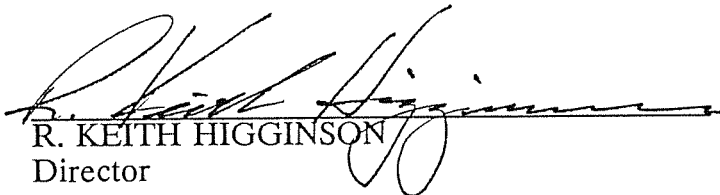
7. The Small D&S Deferral order provides that claimants of certain domestic and stockwater uses, as defined by Idaho Code § 42-1401A(5) and (12) (Supp. 1988) may elect to defer the adjudication of those claims. The permits listed above that meet the definition of a small domestic and stockwater use are subject to the deferral order, and may choose not to file a notice of claim at this time, subject to the conditions and limitations set forth in the deferral order.

IT IS THEREFORE, HEREBY ORDERED AS FOLLOWS:

The holder of each permit or license listed in paragraph (6) above is required to file a notice of claim with IDWR in the SRBA, for all uses of water made pursuant thereto, in accordance with the statute, rules, and orders of the court governing the filing of notices of claims, on or before Wednesday, April 3, 1991.

Notice of this order will be made by IDWR as required by statute.

ISSUED THIS 2nd DAY OF JANUARY, 1991.


R. KEITH HIGGINSON
Director