

LATE CLAIM DIRECTOR'S REPORT

Water Right No. 21-13193

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Carter Fritschle, Manager, Adjudication Section

January 30, 2015

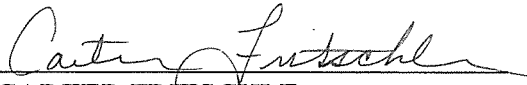
DESCRIPTIVE SUMMARY

This is a Late Claim Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order for Expedited Late Claim Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* issued by Judge Eric J. Wildman on January 22, 2015 (see attached), the Director submits this Late Claim Director's Report for water right 21-13193.

Respectfully submitted this 30th day of January, 2015.



CARTER FRITSCHLE
Manager, Adjudication Section

01/29/2015

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-13193

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O JERRY R RIGBY SEC
PO BOX 250
REXBURG ID 83440

SOURCE: HENRYS LAKE

TRIBUTARY: HENRYS FORK

QUANTITY: 64,000.00 AFY

Total reservoir capacity is 90,000 acre feet when filled to elevation 6476.9 and measured at the upstream face of the dam.

The rights listed below are limited to a total combined annual diversion volume of 94,000 AF. Combined Right Nos.: 21-2154, 21-2161, 21-12946 and 21-13193.

PRIORITY DATE: 10/31/1969

This water right is subordinate to all existing and future water rights established pursuant to Idaho law for use within the Snake River Basin above Milner.

POINT OF

DIVERSION: T15N R43E S26 SWNW Lot 6 Within FREMONT County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	64,000.00 AFY

Water accruing to this water right supplements water accrued under water right nos. 21-2154, 21-2161 and 21-12946.

PLACE OF USE:

Place of use is on those lands identified under water right nos. 21-2154, 21-2161 and 21-12946.

Place of use for storage is Henrys Lake, provided, however, that water under this right may be temporarily held in the unoccupied space of any of the reservoirs upstream of Milner Dam, located at Township 10S, Range 21E, Sections 28 and 29, when determined by the Water District 01 Watermaster (as supervised by the Director of the Department of Water Resources), the Water District 01 advisory committee, and the United States Bureau of Reclamation that such temporary storage will maximize the storage of water upstream of Milner Dam.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Point of diversion is Henrys Lake Dam.

CERTIFICATE OF SERVICE

I certify that on January 30TH, 2015, I caused to be served a true and correct copy of this Late Claim Director's Report, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ E-mail

2. Copies to:

Chief, Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

North Fork Reservoir Co.
c/o Jerry R. Rigby, Sec.
P.O. Box 250
Rexburg, ID 83440

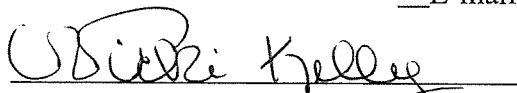
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Jerry R. Rigby
Rigby, Andrus & Rigby Law, PLLC
25 N 2ND E
P.O. Box 250
Rexburg, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail

Fremont County Courthouse
151 West 1st North Suite 15
St. Anthony, ID 83445

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ E-mail


Signature of person mailing the form

RECEIVED

JAN 23 2015

DEPARTMENT OF
WATER RESOURCES

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

JAN 22 2015

By _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

Clerk

Deputy Clerk

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) WATER RIGHT NO: 21-13193
)
) ORDER GRANTING MOTION TO FILE
) AMENDED NOTICE OF CLAIM
)
) ORDER FOR EXPEDITED LATE
) CLAIM DIRECTOR'S REPORT AND
) SETTING FORTH PROCEDURES AND
) DEADLINES FOR EXPEDITED
) PROCESS

On August 8, 2014, the North Fork Reservoir Company ("Claimant") filed a *Motion to File Late Notice of Claim* for the above-captioned water right claim. The Court entered an *Order* granting the *Motion* on November 19, 2014. Then, on December 29, 2014, the Claimant filed a *Motion to File Amended Notice of Claim*. A hearing was held on the *Motion* on January 21, 2015. The *Motion* complied with all procedural requirements under *SRBA Administrative Order I*, and no objections were made to the *Motion to File Amended Notice of Claim*.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File Amended Notice of Claim* for the above-captioned water right is **granted**. The Amended 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.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Late Claim Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the late claim:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file an original of the *Late Claim Director's Report* for the above-captioned water right claim with this Court on or before **January 30, 2015**, and shall distribute for display and review at least one (1) copy of the *Late Claim Director's Report* to the office of the clerk of the district court for each county in which any part of the water system is located, together with a copy of this *Order*. The

Director shall also serve on each claimant or the claimant's attorney a notice of filing of the *Late Claim Director's Report*. Last, the Director shall file with the Court an affidavit demonstrating compliance with the notice requirements of Idaho Code § 42-1411(6).

2. Deadline for the filing of objections to *Late Claim Director's Report*: Any party wishing to file an objection to the *Late Claim Director's Report* may do so on or before **February 27, 2015**.

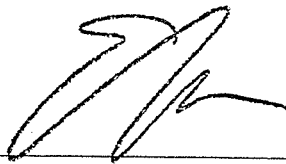
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed on or before **March 20, 2015**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the *Partial Decree* as required by I.C. § 42-1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **April 21, 2015, at 1:30 p.m. (Mountain Time)**, at the Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing the number 1-215-446-0193 and when prompted entering code 406128#.

5. Publication of Notice: The clerk of the court is instructed to publish a notice of the issuance of this order, together with the applicable objection, response and hearing date, on the February 2015 docket sheet.

IT IS SO ORDERED.

Dated: January 22, 2015



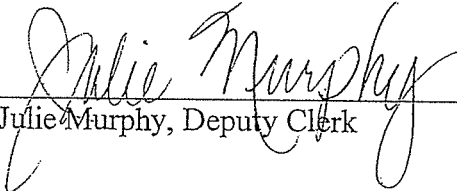
ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM / ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT AND SETTING FORTH PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS**, were mailed on January 22, 2015, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

NORTH FORK RESERVOIR CO
Represented by:
Jerry R. Rigby
PO Box 250
Rexburg, ID 83440-0250


Julie Murphy, Deputy Clerk