

**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

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Water Right Claim: 21-13045

**NOTICE OF EXAMINATION
OF DEFERRED *DE MINIMIS*
DOMESTIC AND/OR STOCK
WATER USE**

The Idaho Department of Water Resources (IDWR) filed a *Motion for Determination of Deferred De Minimis Domestic or Stock Water Use* (Motion) with the district court on July 27, 2015 for water right claim 21-13042. IDWR had discovered that, although the claim was timely filed in the Snake River Basin Adjudication (SRBA), the right had never been reported to the SRBA Court. Since this was an error on the part of IDWR, it will file all of the appropriate documents with the SRBA Court. IDWR has secured publication of the notice of claim per the SRBA Court's December 18, 2013 order implementing deferred *de minimis* procedures and paid advertising costs. Attached to this Notice is a copy of the Affidavit of Publication. The Director of the Idaho Department of Water Resources (IDWR):

- ☒ Will conduct an examination of the claim and file a report with the district court no later than November 23, 2015.
- ☐ Will commence an examination of the water system pursuant to Idaho Code § 42-1410 (2003) and file a report on its findings with the district court on or by _____. The Director estimates the costs for examination of the water system and preparation of the report to be _____

DATED: October 22, 2015


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 23, 2015, I delivered the original and copies of this form, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☒ facsimile

2. Copies to claimant:

Ryan Tupper
5010 W. 6000 N.
Rexburg, ID 83440

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Hori Harris

Signature of person mailing this document

STANDARD JOURNAL
Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

Madison and Fremont Counties

I, Scott Anderson, being first duly sworn, depose and say, that I am the publisher of the STANDARD JOURNAL, a 3 times a week newspaper published 3 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Legal Notice, a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue, once each week thereof for 3 successive issues, the first publication having been made on July 30, 2015 and the last publication having been made on August 13, 2015. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.



STATE OF IDAHO)
)
COUNTY OF MADISON)

On this 17th day of August in the year of 2015 before me, a Notary Public, personally appeared Scott Anderson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: November 20, 2020.

NOTICE OF CLAIM TO A WATER RIGHT		
The following Notice of Claim and Motion for Determination of Deferred De Minimis Domestic or Stock Water Use to a water right has been filed in the Snake River Basin Adjudication. Note that the place of use is in Madison County is shown to the nearest section -- more specific locations are available upon request.		
Water Right:	21-13045	
NAME & ADDRESS:	RYAN TUPPER 5010W 6000 N REXBURG ID 83440	
SOURCE:	GROUNDWATER	TRIBUTARY:
PRIORITY DATE:	04/01/1955	
POINT OF DIVER- SION:	T07N R39E S20	SESESE
PURPOSE OF USE:	DOMESTIC	
PLACE OF USE:	T07N R39E S20	SESE
Any objection against the proposed claim must be filed with the Clerk of the District Court, Snake River Basin Adjudication, 253 3rd Avenue North, PO Box 2707, Twin Falls, ID 83303-2707 on or before September 14, 2015.		
Published July 30, August 6, and 13, 2015 SJ7086		

