

05/11/2010

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-12181

NAME AND ADDRESS: MUD LAKE WATER USERS, INC
P O BOX 68
TERRETON ID 83450

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 617.000 CFS

PRIORITY DATE: 05/05/1969

This water right is subordinated to all existing and future consumptive use water rights.

POINT OF DIVERSION:

T11N R38E S25 SESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	01/01 12/31	617.000 CFS
Recharge is for the dispersal of surface water runoff which may threaten the structural integrity of the Mud Lake levee located downstream.		

PLACE OF USE: GROUND WATER RECHARGE in CLARK County

T10N R38E S01 Lot 1 NENE	T10N R38E S01	SENE
T10N R38E S13 NENE	T10N R38E S13	SENE
T10N R38E S13 NESE	T10N R38E S13	NWSE
T10N R38E S13 SWSE	T10N R38E S14	SESW
T10N R38E S14 SWSE	T10N R38E S14	SESE
T10N R38E S23 NENE	T10N R38E S24	NWNE
T10N R38E S24 NENW	T10N R38E S24	NWNW
T10N R38E S24 SWNW	T10N R38E S24	SENW
T10N R39E S05 Lot 2 NWNE	T10N R39E S05	SWNE
T10N R39E S05 SENE	T10N R39E S05 Lot 3	NENW
T10N R39E S05 Lot 4 NWNW	T10N R39E S05	SENW
T10N R39E S05 NESE	T10N R39E S05	SWSE
T10N R39E S05 SESE	T10N R39E S06 Lot 1	NENE
T10N R39E S06 Lot 2 NWNE	T10N R39E S06	SWNE
T10N R39E S06 SENE	T10N R39E S06 Lot 4	SENW
T10N R39E S07 SESE	T10N R39E S08	NWNE
T10N R39E S08 SWNE	T10N R39E S08	SWSW
T10N R39E S08 SESW	T10N R39E S08	NWSE
T10N R39E S08 SWSE	T10N R39E S18	NENE
T10N R39E S18 NWNE	T10N R39E S18 Lot 1	NENW

T10N R39E S18 Lot 2 SENW		T11N R38E S25	SWSE
T11N R38E S25	SESE	T11N R38E S36	NWNE
T11N R38E S36	NENW	T11N R38E S36	SENW
T11N R38E S36	NESW	T11N R38E S36	NWSE
T11N R38E S36	SWSE	T11N R38E S36	SESE

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

Water diverted under this right may not be considered as recharge which qualifies for compensation by groundwater users, surface water users, or other entities.

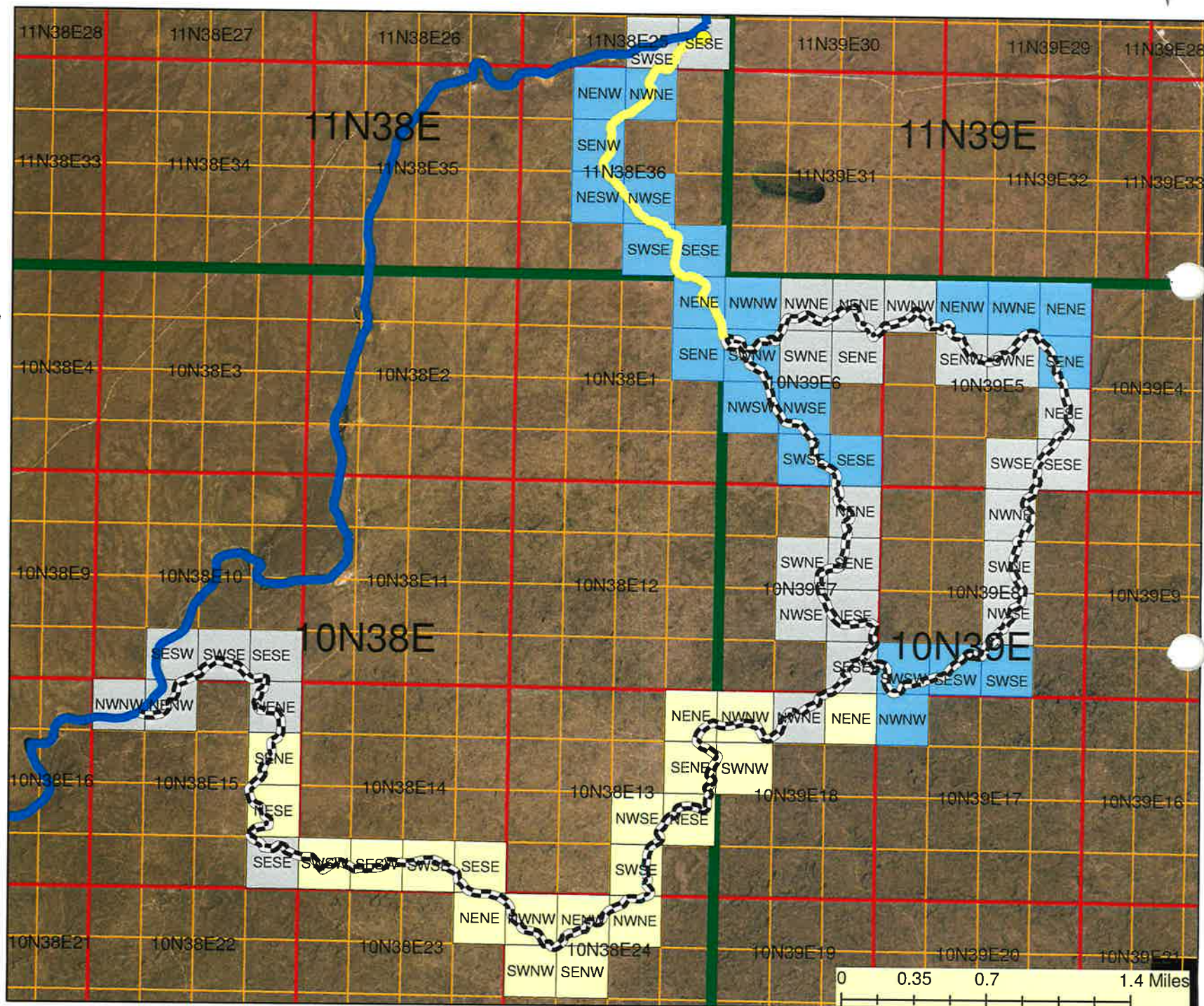
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Water diverted under this right may not be offered as mitigation for new appropriations of water.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 31.

Water is delivered through Lone Tree Diversion Canal.



Prepared by:
Robert L. Harris
2011 NAIP Aerial Photo

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

RIGHT NUMBER: 31-12181

NAME AND ADDRESS: MUD LAKE WATER USERS, INC
PO BOX 68
TERRETON ID 83450

SOURCE: CAMAS CREEK

TRIBUTARY: MUD LAKE

QUANTITY: 617.000 CFS

PRIORITY DATE: 05/05/1969

This water right is subordinated to all existing and future consumptive use water rights.

POINT OF
DIVERSION:

T11N R38E S25 SESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	01/01 12/31	617.000 CFS
Recharge is for the dispersal of surface water runoff which may threaten the structural integrity of the Mud Lake levee located downstream.		

PLACE OF USE: GROUND WATER RECHARGE in CLARK County

T10N R38E S01 Lot 1 NENE	T10N R38E S01	SENE
T10N R38E S10 SESE	T10N R38E S10	SWSE
T10N R38E S10 SESE	T10N R38E S13	NENE
T10N R38E S13 SENE	T10N R38E S13	NESE
T10N R38E S13 NWSE	T10N R38E S13	SWSE
T10N R38E S14 SWSW	T10N R38E S14	SESW
T10N R38E S14 SWSE	T10N R38E S14	SESE
T10N R38E S15 NENE	T10N R38E S15	SENE
T10N R38E S15 NENW	T10N R38E S15	NWNW
T10N R38E S15 NESE	T10N R38E S15	SESE
T10N R38E S23 NENE	T10N R38E S24	NWNE
T10N R38E S24 NENW	T10N R38E S24	NWNW
T10N R38E S24 SWNW	T10N R38E S24	SENW
T10N R39E S05 Lot 2 NWNE	T10N R39E S05	SWNE
T10N R39E S05 SENE	T10N R39E S05 Lot 3	NENW
T10N R39E S05 Lot 4 NWNW	T10N R39E S05	SENW
T10N R39E S05 NESE	T10N R39E S05	SWSE
T10N R39E S05 SESE	T10N R39E S06 Lot 1	NENE
T10N R39E S06 Lot 2 NWNE	T10N R39E S06	SWNE
T10N R39E S06 SENE	T10N R39E S06 Lot 4	SENW

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

T10N R39E S06 Lot 5	NESW	T10N R39E S06	NWSE
T10N R39E S06	SWSE	T10N R39E S06	SESE
T10N R39E S07	NENE	T10N R39E S07	SWNE
T10N R39E S07	SENE	T10N R39E S07	NESE
T10N R39E S07	NWSE	T10N R39E S07	SESE
T10N R39E S08	NWNE	T10N R39E S08	SWNE
T10N R39E S08	SWSW	T10N R39E S08	SESW
T10N R39E S08	NWSE	T10N R39E S08	SWSE
T10N R39E S18	NENE	T10N R39E S18	NWNE
T10N R39E S18 Lot 1	NENW	T10N R39E S18 Lot 2	SENW
T11N R38E S25	SWSE	T11N R38E S25	SESE
T11N R38E S36	NWNE	T11N R38E S36	NENW
T11N R38E S36	SENW	T11N R38E S36	NESW
T11N R38E S36	NWSE	T11N R38E S36	SWSE
T11N R38E S36	SESE		

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.

Water diverted under this right may not be considered as recharge which qualifies for mitigation or compensation to other groundwater users, surface water users, or other entities, unless approved by the Director of the Idaho Department of Water Resources pursuant to applicable Idaho law.

Water diverted under this right may not be offered as mitigation for new appropriations of water.

The exercise of this right is subject to the water right holder obtaining and maintaining federal land use authorization and a State of Idaho land use easement and/or access permit for access and maintenance of the conveyance works located on State and federal lands.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 31.

Water is delivered through Lone Tree Diversion Canal.

As of the date of the partial decree of this water right, federal authorization for maintenance of the conveyance works located on federal land is evidenced by BLM right-of-way IDI-37237.

As of the date of the partial decree of this water right, State of Idaho authorization for maintenance of the conveyance works located on State land is evidenced by permit No. LU-80 0559 which expires on December 31, 2013.

STATE OF IDAHO

LAND USE PERMIT NO. LU80 0559

AMENDED TO CORRECT LEGAL DESCRIPTION IN SECTION 36, T11N, R38E: 03-22-12

Permission is hereby granted to Mud Lake Water Users, Inc., 1400 East 1500 North, Terreton, ID 83450, to maintain a canal and overflow/water recharge ditch as part of the Lone Tree Diversion Canal on and across the following described Idaho Endowment lands, as shown on the map attached and made a part thereof.

(Legal Description)

<u>Twn</u>	<u>Rng</u>	<u>Sec</u>	<u>Description</u> (to the quarter-quarter) (include name of lake or riverbed, if applicable)	<u>County</u>	<u>Acres</u>	<u>(IDL Fund)</u>	<u>AUMs (If Needed)</u>
10N	38E	01	L1, SENE	CLARK	79.94	PS	NA
10N	39E	5	L1-3, SENE	CLARK	163.08	PS	NA
10N	39E	6	L3-5, W2SE, SESE	CLARK	248.44	PS	NA
10N	39E	8	S2SW, SWSE	CLARK	120	PS	NA
10N	39E	17	NWNW	CLARK	40	PS	NA
11N	38E	36	NWNE, E2NW, NESW, NWSE, S2SE	CLARK	280	PS	NA
					931.46		

This permit is subject to the following terms and conditions:

1. This authorization is effective upon signature by the Area Manager and upon payment of the required fee by the Permittee.
2. This permit is granted in consideration of the receipt of Two-hundred and fifty dollars (\$250.00) and the Permittee's diligent effort to obtain a permanent easement for the diversion and ditch. The \$250.00 permit fee will be applied to fees associated with a permanent easement for the diversion and ditch being sought by the Permittee.
3. The Permittee shall indemnify and hold harmless the State of Idaho and its representatives against and from any and all demands, claims or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with the use authorized under this permit.
4. This permit may be cancelled after written notice to the Permittee of non-compliance with the terms herein and failure of the Permittee to correct noted non-compliance.

5. This permit is non-exclusive to the Permittee, except that other uses will not be designed to restrict the Permittee in the exercise of this permit.
6. This permit may be assigned with the approval of the area supervisor. If approved, the Permittee will give written notice of the name and address of the assignee to the supervisor of the Area Office, Department of Lands.
7. The Permittee shall exercise every reasonable effort to protect the forage and watershed resources.
8. The Permittee will comply with all federal, state, and local laws and with all rules and regulations of the State Board of Land Commissioners pertaining to forest and watershed protection, and with the Stream Channel Protection Act as designated in Chapter 38, Title 42 of the Idaho Code as administered by the Department of Water Resources.
9. The Permittee will be required to maintain and leave the permitted area in a clean and tidy condition.
10. It is understood and agreed that the permittee shall take measures to control noxious weeds within the permitted area in accordance with Title 22, Chapter 24, Idaho Code. The Permittee shall cooperate with any state or other agency authorized to undertake programs for control or eradication of noxious weeds. Failure to comply would be justification for the State to terminate the permit.
11. Payments must be received on or before the due date to avoid late fees. Payments received after the due date will be assessed late fees as follows: 1% of the unpaid balance or \$25 whichever is greater. Late fees will continue to accrue on your account until all rent and fees are paid in full.
12. This permit shall expire on December 31, 2013, but may be extended upon request of the Permittee and at the discretion of the Area Manager.

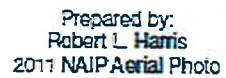
ISSUED this day of , 20 .

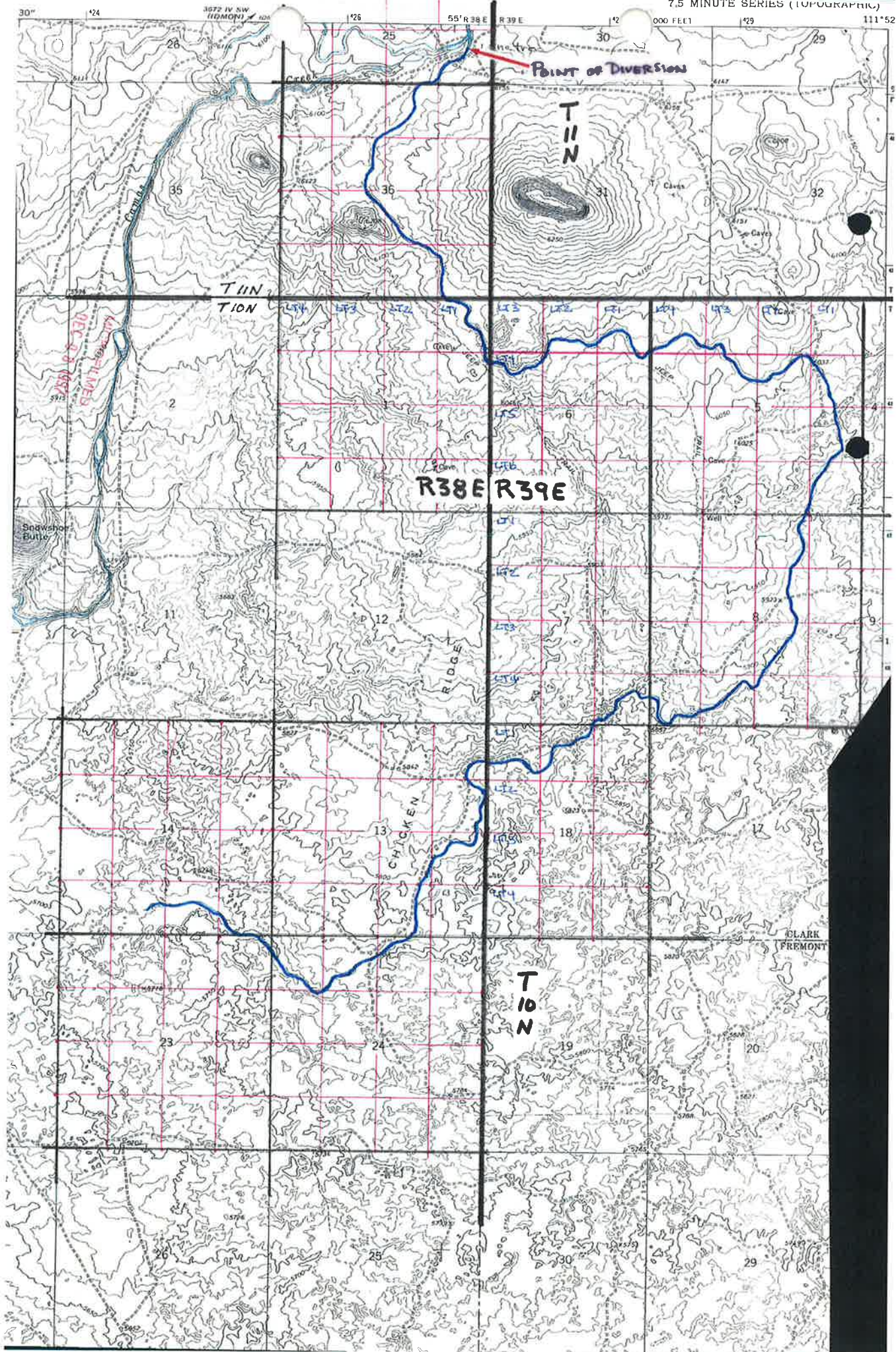

Patrick Brown, Area Manager

3/20/12
Date


Permittee *ROBERT L. LEWIS, ATTORNEY FOR M.L.W.U.*

MARCH 14, 2012
Date





State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 31-07650

Proposed Priority: June 11, 1997

Maximum Diversion Rate:

730.00 CFS

This is to certify, that **MUD LAKE WATER USERS**

C/O WATERMASTER WATER DIST 31

PO BOX 33

DUBOIS ID 83423-0033

has applied for a permit to appropriate water from:

CAMAS CREEK

tributary of **MUD LAKE**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

GROUNDWATER RECHARGE

01/01 to 12/31

730.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESESE, Sec. 25, Township 11N, Range 38E
CLARK County

PLACE OF USE: GROUNDWATER RECHARGE

TWN RGE SEC

10N 38E ✓ 1	Lot 1 (NENE) ✓	SENE ✓	
✓ 13	NENE ✓	SENE ✓	NESE ✓
	NWSE ✓	SWSE ✓	
✓ 14	SESW ✓	SWSE ✓	SESE ✓
✓ 23	NENE ✓		
✓ 24	NWNE ✓	NENW ✓	NWNW ✓
	SWNW ✓	SENE ✓	
39E ✓ 5	+ NWNE ✓	SENE ✓	Lot 3 (NENW) ✓
	Lot 4 (NWNW) ✓	SENE ✓	NESE ✓
	SWSE ✓	SESE ✓	
✓ 6	Lot 1 (NENE) ✓	Lot 2 (NWNE) ✓	SWNE ✓
	SENE ✓	Lot 3 (NENW) ✓	Lot 4 (SENE) ✓
✓ 7	SWSE REMOVE	SESE ✓	
✓ 8	NWNE ✓	SWNE ✓	SWSW ✓
	SESW ✓	NWSE ✓	SWSE ✓
✓ 18	+ NENE ✓	Lot 1 (NENW) ✓	+ SE NW ✓
11N 38E ✓ 25	SWSE ✓	SESE ✓	
✓ 36	NWNE ✓	NENW ✓	SENE ✓
	NESW ✓	NWSE ✓	SWSE ✓
	SESE ✓		

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1998.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 31.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.

EXP

DEC 08 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 31-07650

CONDITIONS OF APPROVAL AND REMARKS

- EXP
GEN
GEN
USE
5. Water is diverted through the Lone Tree Diversion Canal.
 6. Water diverted under terms of this permit may not be offered as mitigation for new appropriations of water.
 7. Water diverted under terms of this permit may not be considered as recharge which qualifies for compensation by groundwater users, surface water users, or other entities.
 8. Recharge is for the dispersal of surface water runoff which may threaten the structural integrity of the Mud Lake levee located downstream.
 9. This right is subject to all prior water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho Power Company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code.
 10. Pursuant to section 42-4201A(3), Idaho Code, the director may reduce the amount of water diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
 11. To insure that other water rights are not injured by the operations of the recharge project authorized by this right, the director retains jurisdiction to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

12th day of November, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

RECORDED

DEC 08 1997

MEMORANDUM

To: File 31-07650

From: L. Glen Saxton *ms*

RE: RECOMMENDATIONS OF PERMIT ISSUANCE - 31-07650

Date: November 10, 1997

Application for Permit No. 31-07650 (application) was filed to record the practice of diverting excess flood waters of Camas Creek through the Lone Tree Diversion to prevent overtopping of levees at the Mud Lake Dike downstream. The practice has existed since 1969 when the Corps of Engineers participated in constructing the flood control works.

The department's Eastern Regional office has provided the following information relative to the application:

1. The application was filed on the applicant's own motion and not upon request of the department.
2. The applicant has shown a year-round season of use in case there is a rain event any time during the year which could endanger the Mud Lake levee.
3. The applicant should not be compensated for "recharge", associated with the practice of diverting excess water into the Lone Pine Canal, since the practice has existed for years and is not anticipated to be different under terms of the application for permit.
4. The potential claim of mitigation for anticipated new consumptive uses of water could be the motivation for filing the application, but the region does not specifically know the reason.

The use of "groundwater recharge" is probably OK if the remarks on the permit further describe the nature of the water diversion activity, i.e. to prevent overtopping of the Mud Lake Levee downstream. I believe the department can issue a permit with certain conditions and limitations including the following:

1. Water diverted under terms of this permit may not be offered as mitigation for new appropriations of water.
2. Water diverted under terms of this permit may not be considered as recharge which qualifies for compensation by groundwater users, surface water users or other entities.

DEC 08 1997

W A T E R D I S T R I C T #31
PO BOX 33
DUBOIS ID 83423

JUNE 10, 1997

ATTACHMENT TO GROUND WATER RECHARGE FILING

Waters of Camas Creek have been diverted to this Lone Tree Diversion Canal since the year of 1969 at the time that it was constructed by the Corps. of Engineers and the Flood Control District #5.

Construction authority was under an order by President Nixon called "OPERATION FORSITE" which changed the nature of the Corps. of Engineers practices to one of preventing flood damage before flooding, rather the practice of fighting floods only after flooding occurs.

At the time of the construction Mud Lake was at near capacity and the levees were threatened and failure of these levees was eminent, so the declaration of "OPERATION FORESITE", was put into effect and the proper declarations of emergency were declared and construction was begun and 3 months later the canal was completed. The waters of Camas Creek were immediately diverted and a total of 30,000 A.F. was spilled to recharge during the period April 5 to May 5, 1969.

Since that period of time in excess of 240,040 A.F. have been spilled to recharge. Most years flow measurements have been taken by U.S.G.S. personnel along with a stage recorder being installed and used on all occasions that the U.S.G.S. was involved.

Attached you will find flows measurement sheets and summary records which have been published by the U.S.G.S. as follows:

1969	30,000 A.F.	1970	5,880 A.F.
1971	28,920 A.F.	1972	9,194 A.F.
1975	20,200 A.F.	1976	2,600 A.F.
1980	8,370 A.F.	1983	30,062 A.F.
1984	47,100 A.F.	1985	14,624 A.F.
1986	18,530 A.F.	1993	1,610 A.F.
1995	22,950 A.F.	TOTALS	240,040 A.F.

Waters have been spilled on other occasions in which the U.S.G.S. was not called to assist. Water District #31 has a matching fund co-operative agreement contract with the U.S.G.S. through assessments to I.D.W.R.

- #1 Waters diverted to recharge are valid decreed water rights owned by the Mud Lake Water Users under the Ernest Savve Decree of 1931. They are rights to be filled in the Mud Lake allotments totals. On some years when the Lake is near full capacity and the threat of high run off appears certain along with rainy weather and lack of demand for irrigation is present it becomes imperative to divert to recharge for the integrity and safety of the Mud Lake Dyke. These recharge waters will only be diverted at a time the Mud Lake levee is threatened.

MICROFILMED

DEC 08 1997

A plan of operation as to when there would be a need to divert is covered under the Mud Lake Water Users Standing Operating Procedures which is the operating procedure to be followed.

The decision to divert will be by the authority of the watermaster of Water District #31 where language is covered by the above operation plan and also by resolution of the Water District which is renewed annually at the District meeting held in March of each year.


GREG SHENTON, WATERMASTER


DON SHENTON, DEPUTY

MICROFILMED
DEC 08 1997

Claim No(s). 31-12181

Claim No(s). 31-12181

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 17, 2010

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS ID 83405

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #31-12181
Your Client: Mud Lake Water Users, Inc.

Dear Mr. Harris:

The Notice of Claim to a Water Right you filed for your client referenced above was received from the SRBA Court recently. I have enclosed receipt #C090222 for the fees your firm paid.

Your client's Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosure:

Receipt Referenced Above

SCANNED

MAR 17 2010

Robert L. Harris, Esq. (ISB #7018)

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P.O. Box 50130

Idaho Falls, Idaho 83405

Telephone: (208) 523-0620

Facsimile: (208) 523-9518

Attorneys for Mud Lake Water Users, Inc.

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 No.: 31-12181

**RESPONSE TO MOTION TO FILE
LATE OBJECTION**

Mud Lake Water Users, Inc. ("MLWU"), by and through counsel of record, hereby submits this *Response to Motion to File Late Objection*. This brief is made in response to the State of Idaho's *Motion to File Late Objection* filed on December 14, 2011.

MLWU has no objection to the State's motion, and requests that it be granted. As explained in the State's filing, the point of diversion for the Lone Tree Diversion is on private land, which then traverses onto private, federal, and State of Idaho land. The Lone Tree project was undertaken in the late 1960s as part of an effort to divert flood water from Camas Creek out onto nearby desert lands in order to protect the Mud Lake levee from overtopping with flood water.

The project was primarily overseen by the United States Army Corps of Engineers (the "Corps").

Based upon conversations with BLM representatives in Idaho Falls, it appears that the Corps' intent was for the project to be constructed under their direction, but then for the local water

users to follow up and obtain necessary easements where the canal was constructed and where the water eventually flowed. This apparently was never accomplished, but through this filing in the SRBA for the above subcase, the easement issues have now been raised and addressed with regards to the federal land involved in the project. MLWU has already submitted their request for a right-of-way across federal land, and based upon a response from local BLM officials, anticipates that authorization to be issued very shortly.

With regards to State land, however, they initially did not file an objection to the claim for this water right, and were not aware of the facilities that are currently existing on State ground. As was noted in the State's *Motion to File Late Objection*, counsel for MLWU was the person who initially contacted David Stanish of the Attorney General's office to make him aware of this issue to determine what interest the State of Idaho would have in becoming involved in this subcase. Based on the State's *Motion to File Late Objection*, it makes very good sense for the State to be involved because almost the entirety of the constructed Lone Tree Canal traverses State of Idaho land, as well as a portion of the overflow area.

New counsel for the State of Idaho on this matter, Tyson Nelson, has already been in contact with MLWU counsel regarding the State's desire for MLWU to first obtain a land use permit for the Lone Tree facilities, and then working to obtain a formal easement for the lands over which the Lone Tree Canal and overflow area traverse. A copy of an updated map showing where these lands are located is attached to the amended claim submitted by MLWU. MLWU will submit a request for a land use permit from the State of Idaho, as requested by Mr. Nelson, on February 21, 2012. Mr. Nelson anticipates that a permit could be issued by the State within a week or so of MLWU's request. Therefore, the involvement of the State of Idaho will not delay these proceedings in any way, and in fact, the parties have already agreed to a resolution path moving forward.

Given the current status of this subcase, MLWU suggests proposed language in the partial decree for Subcase No. 31-12181 to be similar to that contained in another subcase involving easement issues with the State of Idaho (Subcase No. 21-13102) to address the easement issues on both State and federal land. Such proposed language would likely be similar to the following:

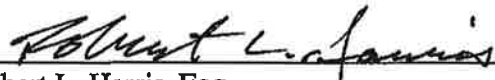
The exercise of this right is subject to the water right holder obtaining and maintaining a federal land use easement and a state land use easement and/or access permit for access and maintenance of the diversion and conveyance works located on State and federal lands.

EXP As of the date of the partial decree of this water right, federal authorization for maintenance of the diversion and conveyance works located on federal land is evidenced by _____.

EXP As of the date of the partial decree of this water right, State authorization for maintenance of the diversion and conveyance works located on State land is evidenced by permit No. _____ which expires on _____.

For the above reasons, MLWU has no objection to the State of Idaho's participation in this matter, and in fact, does not believe a full and appropriate resolution of this subcase could occur without the involvement of the State of Idaho. Therefore, MLWU requests that the State's *Motion to File Late Objection* be granted in order for it to participate in all respects.

DATED this 20th day of February, 2012.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

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P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

Attorneys for Mud Lake Water Users, Inc.

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 No.: 31-12181

**MOTION TO FILE
AMENDED NOTICE OF CLAIM**

Mud Lake Water Users, Inc. ("MLWU"), by and through counsel of record, hereby submits this *Motion to File Amended Notice of Claim*. For the reasons set forth below, MLWU requests that the attached *Amended Notice of Claim* be accepted and processed by the Idaho Department of Water Resources ("IDWR").

The primary reasons for the amended claim are:

1. Since the original claim was submitted, counsel for MLWU, along with representatives of the BLM, have performed a field visit to verify the location of various features on the Lone Tree Canal system, which necessitates an amended claim to update some of these features.
2. The original claimed place of use was based upon the listed place of use for Permit No. 31-7650. A new 2011 NAIP aerial photo, with the aid of GIS technology, depicts and

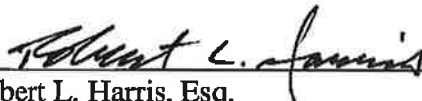
demonstrates that some of the quarter-quarters listed in the original claim should not be included, and that other quarter-quarters should be.

3. The original claimed place of use (which was based upon the listed place of use for Permit No. 31-7650) failed to include a “west-branch” overflow area that begins at the end of the constructed Lone Tree Canal where there is a split in the overflow area. Examination of 2011 NAIP aerial photography shows a defined channel where water has historically flowed. Additionally, a review of the USGS quadrangle map shows an intermittent channel designation for the west branch, just as it depicts an intermittent channel designation for the east branch. Therefore, the “west branch” area needs to be included in the water right description of this water right to ensure that these areas of recharge are properly designated as part of the place of use.
4. During the 2011 site tour, the Water District 31 watermaster, Greg Shenton, indicated water diverted at the Lone Tree Diversion actually can make it all the way back to Camas Creek. In support of this, we were able to locate a culvert next to a road near the end of the Lone Tree overflow area that was placed there because sheepherders could not get through this particularly soggy and muddy area. New area was therefore added at the tail end of the Lone Tree overflow area that connects back to Camas Creek. This new area was not originally included in the original claimed place of use that was based upon the listed place of use for Permit No. 31-7650.
5. Based on GIS data obtained from IDWR, some of the quarter-quarter designations and government lot descriptions are different than what was claimed originally, particularly those that are located on the western edge of Township 10N., Range 39E., where there are only three rows of quarter-quarter sections. For example, the northwestern-most quarter-quarter of Section 6, Township 10N., Range 39E., appears as though it should

be designated as the NE1/4NW1/4 (Government Lot No. 3), but IDWR GIS data describes this quarter-quarter as the NW1/4NW1/4. This may be a GIS error, but either way, the claimed place of use also identifies the appropriate government lots in these "short sections," and IDWR can verify their proper description.

The map attached to the amended claim shows the route that is now being claimed, and delineates between the constructed canal and the overflow area, which is the same overflow area designated on MLWU's application to the BLM for a right-of-way across its land.

DATED this 20th day of February, 2012.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

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 31-12181

Date Received 3-12-2010 SRP

Receipt Number 0090222 \$100-

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

DISTRICT COURT - CRSA
TWIN FALLS CO., IDAHO
FILED
2009 OCT 30 AM 10 12

1. Name of Claimant(s) Mud Lake Water Users, Inc. Phone (208) 663-4359

Mailing Address PO Box 68, Terreton, ID Zip 83450

2. Date of Priority (Only (1) per claim) May 5, 1969

3. Source of water supply (a) Camas Creek

which is tributary to (b) Mud Lake

4.a. Location of existing point of diversion is:
Township 11N Range 38E Section 25, NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____,
County of Clark
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 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., 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. Diversion dam in Camas Creek, water conveyed through the Lone Tree Diversion Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Ground Water Recharge purposes from 01/01 to 12/31 amount 617 cfs or _____

7. Total quantity claimed (a) 617 cfs (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.) Water is used for ground water recharge.

SCANNED

MAR 16 2010

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the table 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 instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	38E	25															E	E	
		36		E			E			E	E					E	E	E	
10N	38E	1	L-1 E			E													
		13	E			E									E	E	E		
		14												E			E	E	
		23	E																
		24		E			E	E	E	E									
10N	39E	5			E	E	L-8 E	L-4 E		E					E		E	E	
		6	L-1 E	L-2 E	E	E	L-3 E				L-4 E								
		7															E	E	
		8		E	E								E	E		E	E		
		18		E			L-1 E												

Parcel (PIN) No(s). _____

Total number of acres irrigated _____

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

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. Easements from various owners.

12. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None (✓)

13. Remarks:

Attached is a USGS gauge report showing a maximum diversion of 617 cfs on May 5, 1969, which is the claimed priority date. An Application for Permit was filed in 1997 for substantially the same water right which was numbered 31-7650. At the time, the applicant was not aware that a beneficial use water right could be claimed in the SRBA as water was put to beneficial use before the mandatory permitting requirements for surface water in 1971.

14. Basis of Claim (Check one) Beneficial Use ✓ Posted Notice _____ Permit _____ Decree _____ License _____
 If applicable provide IDWR Water Right Number _____
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

Last Name Mud Lake Water Users, Inc. Ident. Number _____

SCANNED
 MAR 16 2010

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 notice 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 1

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney for Mud Lake Water Users, Inc., that I have signed the foregoing document in the space below as attorney for Mud Lake Water Users, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Harris

Title and Organization Attorney, Mud Lake Water Users, Inc. Date October 21, 2009

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on 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 Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date Oct. 21, 2009

G:\WPDATA\RLH\1047 MLWU\06 Late Claim\Claim.wpd:cdv

SCANNED

MAR 16 2010

Last Name Mud Lake Water Users, Inc. Ident. Number _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Camas Crk Flood Ct No 1
1969

Number { Washington
District

Used rating table dated 1

Gage Read to Once a Day by Twice

Gage heights used to half tenths between and feet;
hundredths below and tenths above these limits.

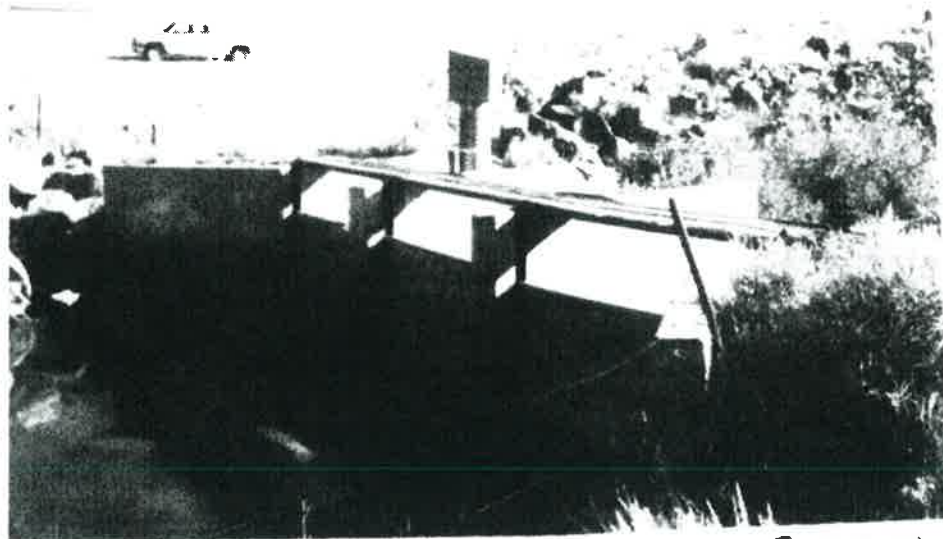
APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		DAY				
Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge		FOURTH	THIRD	SECOND	FIRST
		4.80	392									1				
		5.00	428									2				
		5.57	531									3				
		5.60	536									4				
		6.05	617									5				
		5.75	563									6				
		5.75	563									7				
		5.85	581									8				
		5.55	527									9				
		5.50	518									10				
		5.40	500									11				
		5.28	478									12				
		5.28	478									13				
	0	5.35	491									14				
(2.87)	69	5.47	513									15				
3.27	130	5.42	504									16				
3.53	172	5.08	442									17				
3.51	169	5.00	428									18				
3.57	178	5.06	439									19				
3.59	181	5.18	460									20				
3.78	213	5.11	448									21				
3.84	223	4.88	406									22				
3.92	236	4.72	378									23				
4.24	291	4.30-6	76									24				
4.15	276	N.E. 7.18	0									25				
4.15	276		0									26				
4.18	281		0									27				
4.42	324		0									28				
4.79	390		0									29				
4.87	405		0									30				
			0									31				
3,014		11,297										15,111				
127		364														
7,570		22,400										30,000				
405		617														
0		0														

MR. F. C. FILMED

DEC 8 1987

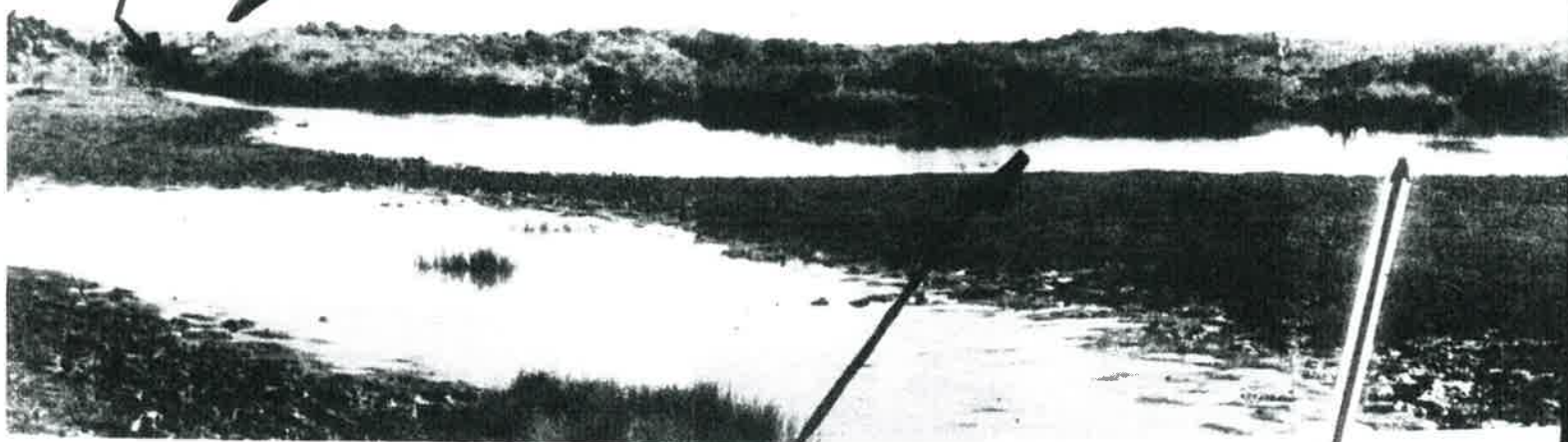
SCANNED

MAR 16 2010



Lone Tree
DIVERSION
Canal

U.S.G.S GAGING STATION
13108600
Hydrologic Unit 17040214
(0.2mi downstream from Point of DIVERSION)



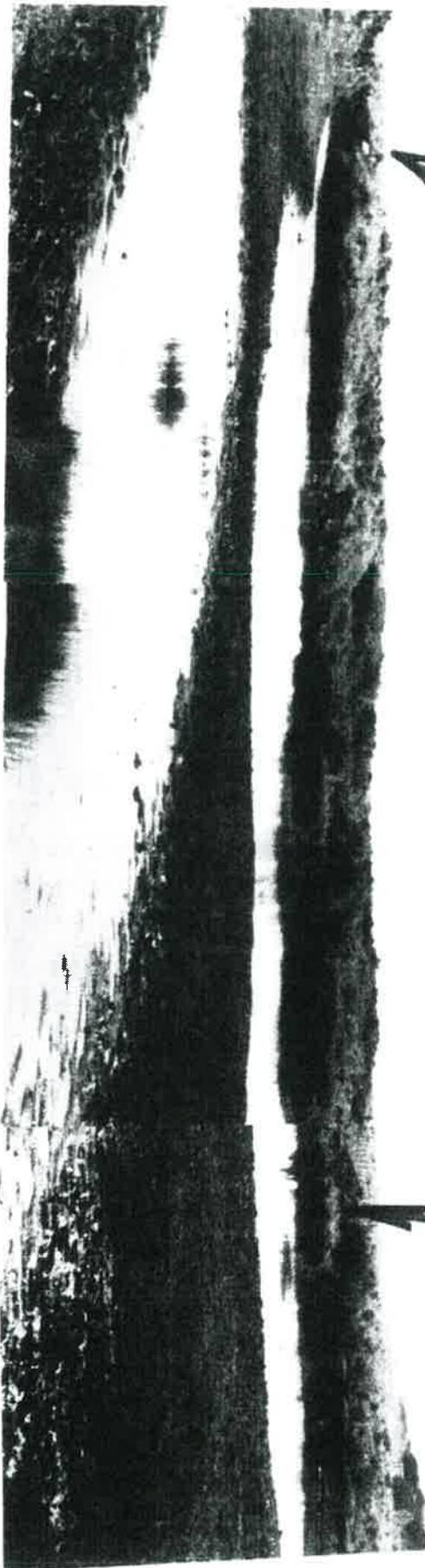
POINT OF DIVERSION
(view downstream)

CAMAS CREEK

31-07650

SCANNED

MAR 16 2010



LONE TREE

DIVERSION FROM CAMAS CREEK

CAMAS CREEK

VIEW DOWNSTREAM (SOUTH)

31-07650

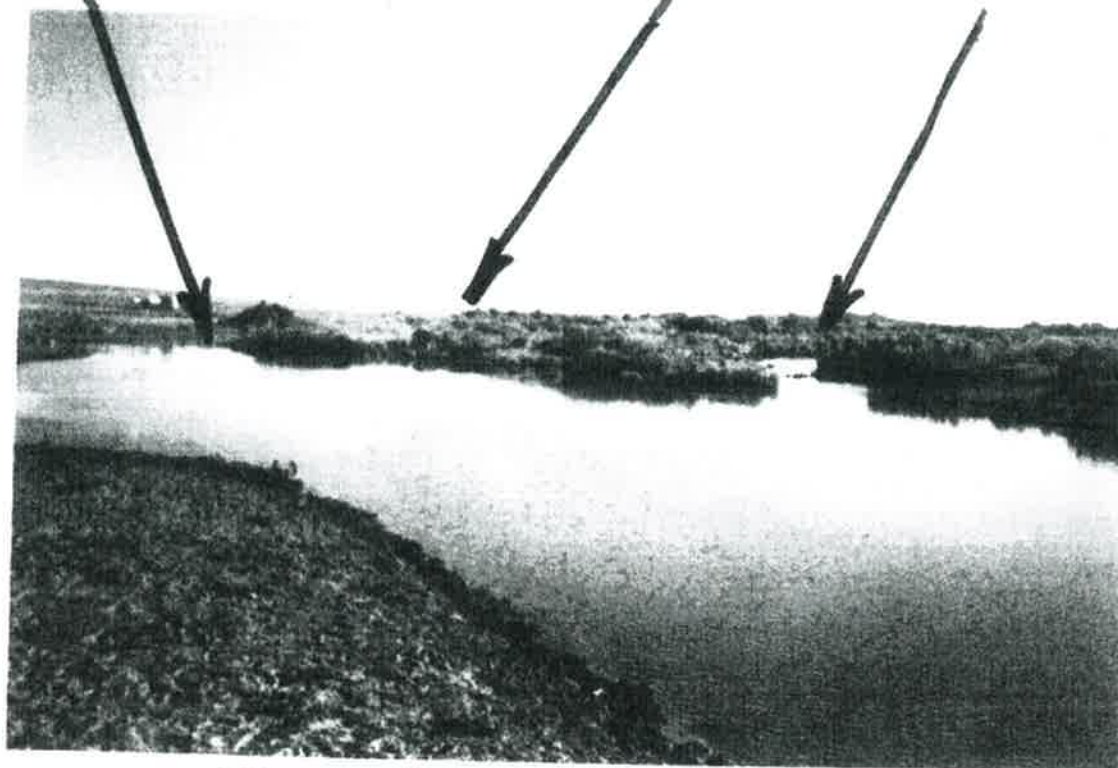
SCANNED

MAR 16 2010

LONE TREE DIVERSION CANAL

U.S.G.S. GAGE

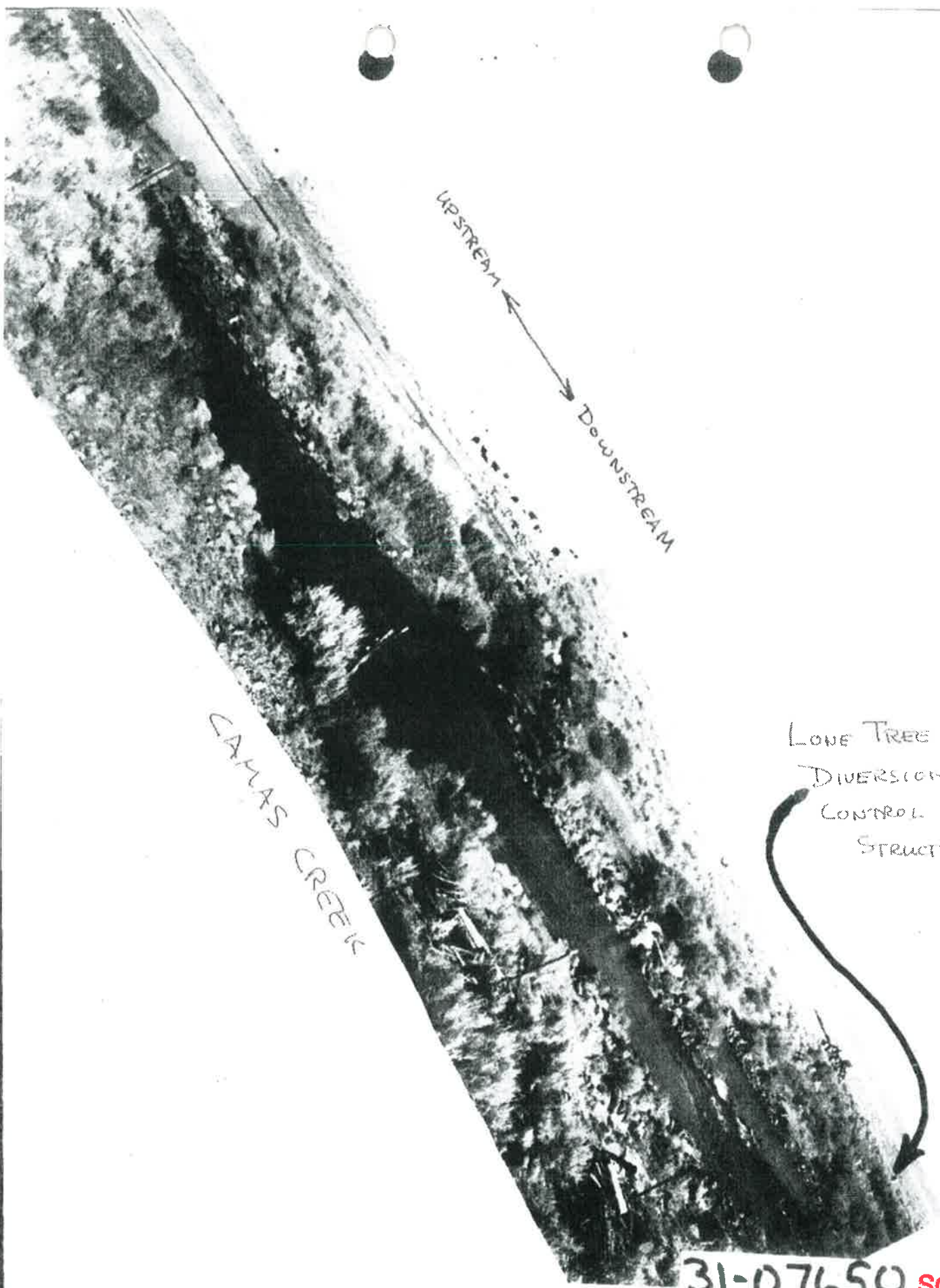
CAMAS CREEK



POINT OF DIVERSION FOR LONE TREE DIVERSION
CANAL
(VIEW DOWN STREAM)

31-07650

SCANNED
MAR 16 2010



31-07650 SCANNED
MAR 16 2010



CONTROL STRUCTURE
GAGING STATION
LONE TREE DIVERSION CANAL
U.S.G.S. Gaging Station
13108600

VIEW UPSTREAM
(NORTH)

31-07650

SCANNED

MAR 16 2010

RECEIVED

MAR 12 2010

DEPARTMENT OF
WATER RESOURCES

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

MAR 11 2010

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 SRBA

Subcase: 31-12181

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 30, 2009, Mud Lake Water Users, Inc., by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 19, 2010. No party appeared in opposition to the *Motion to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On March 11, 2010, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **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, recommendation for the claim will

be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of ***SRBA Administrative Order 1*** 4d(2)(h).

IT IS SO ORDERED.

Dated March 11, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on March 11, 2010, with sufficient first-class postage to the following:

MUD LAKE WATER USERS INC

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED
MAR 12 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 11 2010
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	)	SPECIAL MASTER'S
	)	RECOMMENDATION REGARDING
Case No. 39576	)	PREJUDICE ON MOTION TO FILE
	)	LATE CLAIM
	)	
	)	WATER RIGHT NO.: 31-12181
_____	)	

I. PROCEDURAL HISTORY

On October 30, 2009, the SRBA Court received a *Motion to File Late Notice of Claim* from claimant Mud Lake Water Users Inc. A hearing on the *Motion* was held on January 19, 2010, before presiding Judge Eric J. Wildman. An *Order of Reference to Special Master Brigitte Bilyeu* was issued January 20, 2010.

In the *Order of Reference*, Judge Wildman ruled that both "good cause" for the untimeliness and a "meritorious position" had been demonstrated by the claimant. However, Judge Wildman asked this Special Master to take up further proceedings to determine prejudice to other parties, if any. A hearing was held on March 5, 2010. Mud Lake Water users, Inc. submitted a *Memorandum, in Support, the Affidavit of Robert L. Harris*, and attachments showing other water rights from the same source. The Idaho Department of Water Resources was present and reported on the likelihood of prejudice to other parties.

II. STANDARD OF REVIEW

The SRBA Administrative Orders provide that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order 1 (AO1)* § 4 (d)(2)(d).

III. FINDINGS

Judge Wildman has previously determined that the claimant has shown both "good cause"

SPECIAL MASTER'S RECOMMENDATION
REGARDING PREJUDICE ON MOTION TO FILE LATE CLAIM
S:/BASIN FOLDERS/31MRR/12181.RECOMMEND.MOTN.LATE CLAIM.GRANTED
3/9/10

Page 1

SCANNED
MAR 15 2010

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION REGARDING PREJUDICE ON MOTION TO FILE LATE CLAIM was mailed on March 11, 2010, with sufficient first-class postage to the following:

MUD LAKE WATER USERS INC
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

SCANNED
MAR 15 2010

Deputy Clerk

RECEIVED

NOV 02 2009

DEPARTMENT OF
WATER RESOURCES

COPY

hearing: 1-19-2010

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

Fees OK

Claim complete

Case No. 39576

Co-Suitors

12-10-09

A. Subcase 31-12181

(Insert water right number
From the Objection Form)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED
NOV - 4 2009

√ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Mud Lake Water Users, Inc.

My name is Robert L. Harris

My address is Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID 83405

My phone number is 208-523-0620

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

√ I did not file a Notice of Claim to the use of water in the SRBA because:

An Application for Permit was filed by the applicant in 1997 for substantially the same water right which was numbered 31-7650. At the time, the applicant was not aware that a beneficial use water right could and should have been claimed because water was put to beneficial use in 1969.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

√ I am providing a legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of you Notice of Claim.)

See attached claim and supporting documents.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on January 19, 2010, at 1:30

(Insert Date and Time)

at the SRBA Court courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION

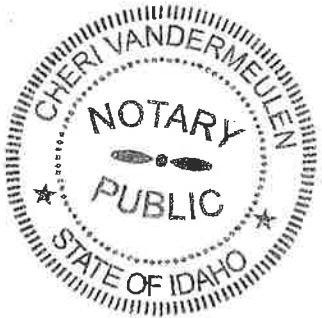
State of Idaho)
)ss.
County of Bonneville)

Robert L. Harris, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Robert L. Harris
Robert L. Harris, Attorney

Subscribed and sworn to before me this 27th day of October, 2009.



Cheri Vandermeulen
Notary Public for Idaho
Residing at: 2140 Falk, S.D.
My Commission expires: July 7, 2015

CERTIFICATE OF MAILING

I certify that on this 29th day of October, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

G:\WPDATA\RLH\1047 MLWU\06 Late Claim\Motion, Late Claim.wpd

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-12181

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name of Claimant(s) Mud Lake Water Users, Inc. Phone (208) 663-4359Mailing Address PO Box 68, Terreton, ID Zip 834502. Date of Priority (Only (1) per claim) May 5, 19693. Source of water supply (a) Camas Creekwhich is tributary to (b) Mud Lake4.a. Location of existing point of diversion is:
Township 11N Range 38E Section 25, NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____,
County of Clark
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 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., 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. Diversion dam in Camas Creek, water conveyed through the Lone Tree Diversion Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Ground Water Recharge purposes from 01/01 to 12/31 amount 617 cfs or _____7. Total quantity claimed (a) 617 cfs (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.) Water is used for ground water recharge.SCANNED
NOV - 4 2009

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	38E	25															E	E	
		36		E			E			E	E					E	E	E	
10N	38E	1	L-1 E			E													
		13	E			E									E	E	E		
		14											E				E	E	
		23	E																
		24		E			E	E	E	E									
10N	39E	5			E	E	L-8 E	L-4 E		E					E		E	E	
		6	L-1 E	L-2 E	E	E	L-3 E			L-4 E									
		7															E	E	
		8		E	E								E	E		E	E		
		18		E			L-1 E												

Parcel (PIN) No(s). _____

Total number of acres irrigated _____

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

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. Easements from various owners.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (✓)

13. Remarks:

Attached is a USGS gauge report showing a maximum diversion of 617 cfs on May 5, 1969, which is the claimed priority date. An Application for Permit was filed in 1997 for substantially the same water right which was numbered 31-7650. At the time, the applicant was not aware that a beneficial use water right could be claimed in the SRBA as water was put to beneficial use before the mandatory permitting requirements for surface water in 1971.

14. Basis of Claim (Check one) Beneficial Use ✓ Posted Notice _____ Permit _____ Decree _____ License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

SCANNED
NOV - 4 2009

Last Name Mud Lake Water Users, Inc. Ident. Number _____

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 notice 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 1

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney for Mud Lake Water Users, Inc., that I have signed the foregoing document in the space below as attorney for Mud Lake Water Users, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Robert L. Harris

Title and Organization Attorney, Mud Lake Water Users, Inc. Date October 21, 2009

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on 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

Robert L. Harris

Address PO Box 50130, Idaho Falls, ID 83405-0130

Date

Oct. 21, 2009

G:\WPDATA\RLH\1047 MLWU06 Late Claim\Claim.wpd:cdv

SCANNED
NOV - 4 2009

Last Name Mud Lake Water Users, Inc. Ident. Number _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Camas Creek Flood Channel
1969

Station Number _____
District _____

Used rating table dated _____

Gage Read to _____ Once a Day by _____
Twice

Gage heights used to half tenths between _____ and _____ feet;
hundredths below and tenths above these limits.

APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		DAY				
Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge	Gage height	Discharge		FOURTH	THIRD	SECOND	FIRST
		4.80	392									1				
		5.00	428									2				
		5.57	531									3				
		5.60	536									4				
		6.05	617		*							5				
		5.75	563									6				
		5.75	563									7				
		5.85	581									8				
		5.55	527									9				
		5.50	518									10				
		5.40	500									11				
		5.28	478									12				
		5.28	478									13				
	0	5.35	491									14				
(2.07)	69	5.47	513									15				
3.27	130	5.42	504									16				
3.53	172	5.08	442									17				
3.51	169	5.00	428									18				
3.57	178	5.06	439									19				
3.59	181	5.18	460									20				
3.78	213	5.11	448									21				
3.84	223	4.88	406									22				
3.92	236	4.72	378									23				
4.24	291	4.70-6	76									24				
4.15	276	N.E. 18	0									25				
4.15	276		0									26				
4.18	281		0									27				
4.42	324		0									28				
4.79	390		0									29				
4.87	405		0									30				
			0									31				
3,014		11,297										PERIOD				
127		364										YEAR				
7,570		22,400														
405		617														
0		0														

NOT RECORDED

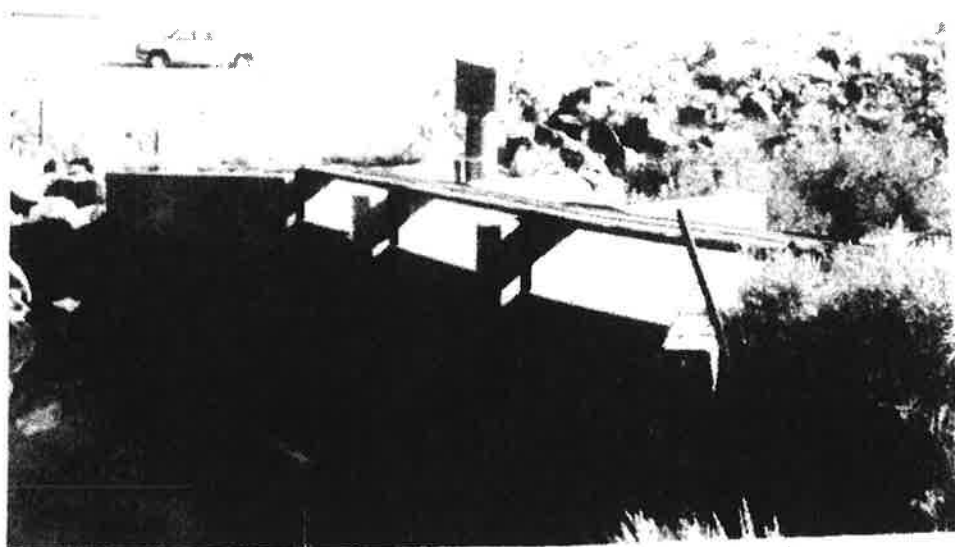
DEC 08 1967

NOV - 6 1969

30,000

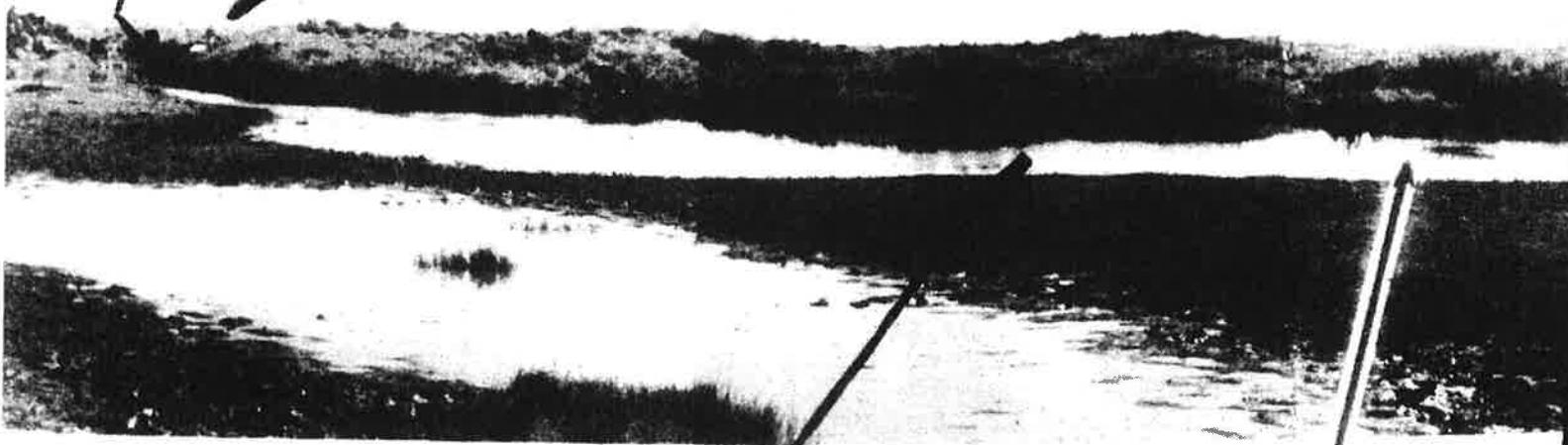
617

0



Lone Tree
DIVERSION
Canal

U.S.G.S GAGING STATION
13108600
Hydrologic Unit 17040214
(0.2mi downstream from Point of DIVERSION)



POINT OF DIVERSION
(view down stream)

CAMAS CREEK

31-07650

SCANNE

NOV - 4 2003

31-07650

SCANNED

NOV - 4 2009

LONE TREE

DIVERSION FROM CAMAS CREEK

CONTROL STRUCTURE FOR DIVERSION

CAMAS CREEK



View Downstream (South)

31-07650

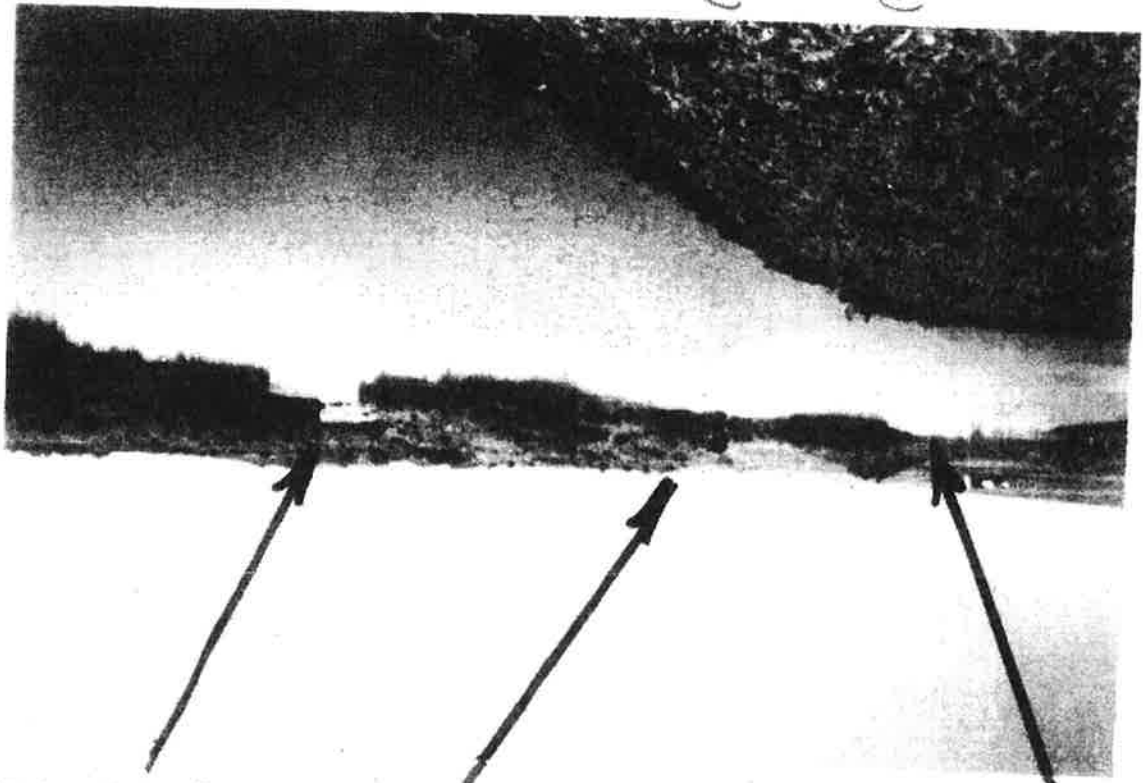
APR - 4 2009

SCANNED

(VIEW DOWN STREAM)

CANAL

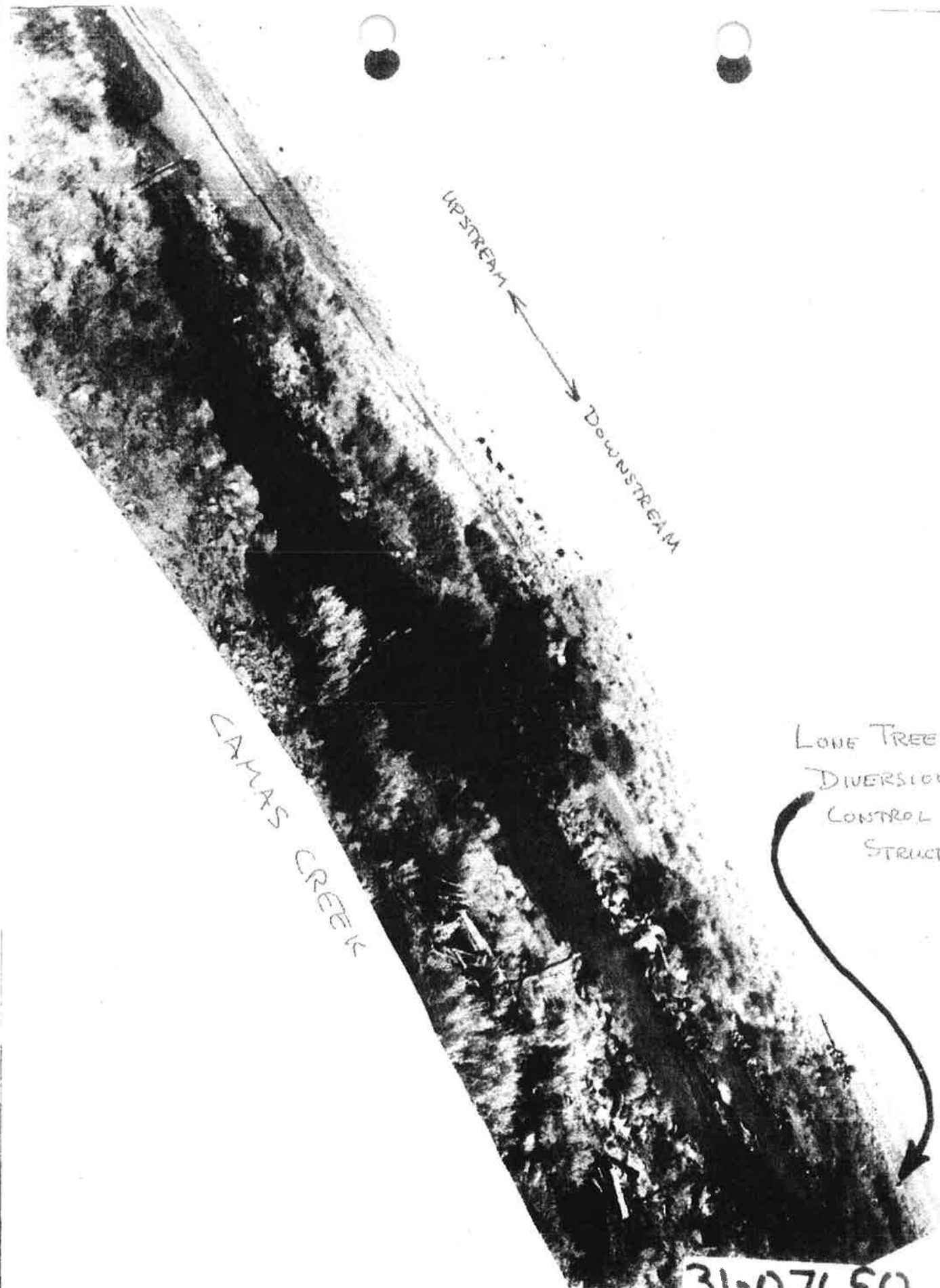
Point of Diversion for Lone Tree Diversion



Lone Tree Diversion Canal

U.S.G.S. GAGE

CAMAS CREEK

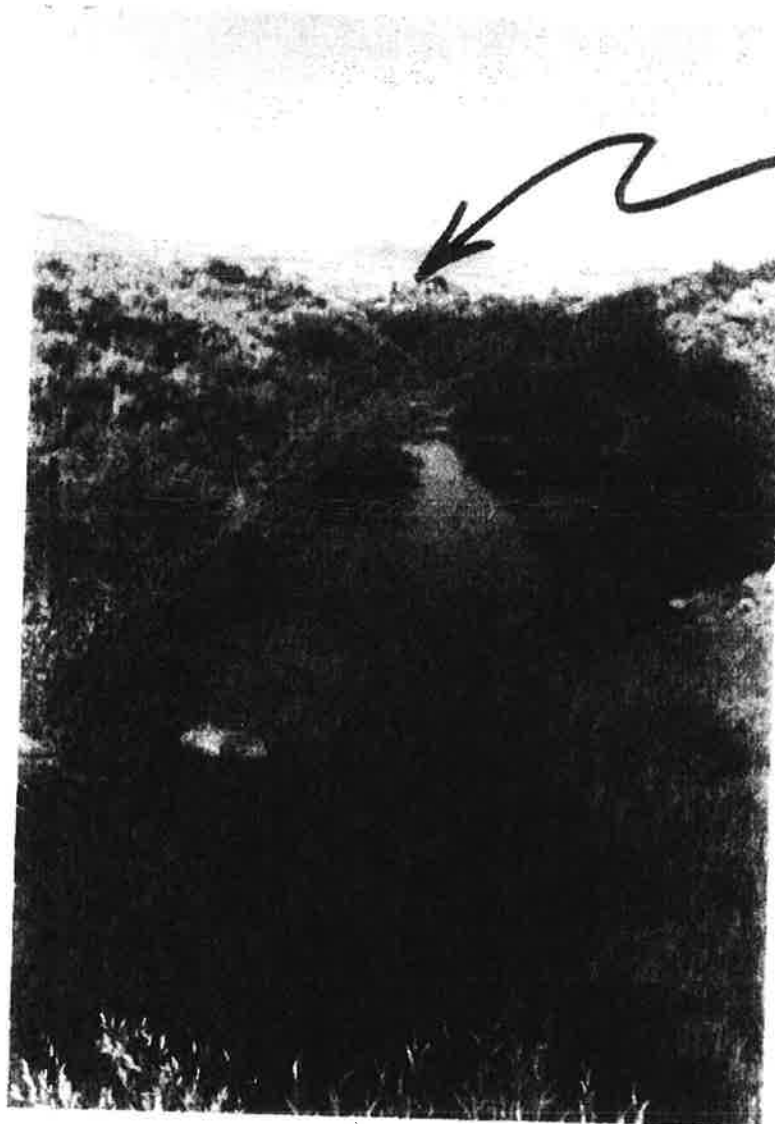


CAMAS CREEK

UPSTREAM
DOWNSTREAM

LONE TREE
DIVERSION
CONTROL
STRUCTURE

31-07650



CONTROL STRUCTURE
GAGING STATION
LONE TREE DIVERSION CANAL
U.S.G.S. Gaging Station
13108600

VIEW UPSTREAM
(NORTH)

↓ FLOW

31-07650

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 31-12181
Date Received _____
Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Mud Lake Water Users, Inc. Phone (208) 663-4359

Mailing Address PO Box 68, Terreton, ID Zip 83450

2. Date of Priority (Only (1) per claim) May 5, 1969

3. Source of water supply (a) Camas Creek

which is tributary to (b) Mud Lake

4.a. Location of existing point of diversion is:
Township 11N Range 38E Section 25, NE 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____,
County of Clark
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 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., 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. Diversion dam in Camas Creek, water conveyed through the Lone Tree Diversion Canal.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Ground Water Recharge purposes from 01/01 to 12/31 amount 617 cfs or _____

7. Total quantity claimed (a) 617 cfs (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.) Water is used for ground water recharge.

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 instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	38E	✓ 25															E	E	
		✓ 36		E			E			E	E					E	E	E	
10N	38E	1	L-1			E													
		✓	E																
		✓ 10												E			E	E	
		✓ 13	E			E									E	E	E		
		✓ 14											E	E			E	E	
		✓ 15	E			E	E	E							E			E	
		✓ 23	E																
		✓ 24		E			E	E	E	E									
10N	39E	5	L-1	L-2	E	E	L-3	L-4		E					E		E	E	
		✓	E	E			E	E											
		✓ 6	L-1	L-2	E	E	L-3	L-4						L-5		E	E	E	
		✓ 7	E		E	E									E	E		E	
		✓ 8		E	E								E	E		E	E		
		✓ 17					E												
		✓ 18	E	E			L-1	L-2											

Parcel (PIN) No(s). _____

Total number of acres irrigated N/A

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

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. Prescriptive easements from various owners on private ground; Applicant is in the process of obtaining easements for portion of place of use that is located on federal and state owned ground.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Permit No. 31-7650 or None ()

13. Remarks:

A USGS gauge report showing a maximum diversion of 617 cfs on May 5, 1969, which is the claimed priority date, has been submitted to IDWR. An Application for Permit was filed in 1997 for substantially the same water right which was numbered 31-7650. At the time, the applicant was not aware that a beneficial use water right could be claimed in the SRBA as water was put to beneficial use before the mandatory permitting requirements for surface water in 1971.

14. Basis of Claim (Check one) Beneficial Use ✓ Posted Notice _____ Permit _____ Decree _____ License _____
 If applicable provide IDWR Water Right Number _____

Last Name Mud Lake Water Users, Inc. Ident. Number _____

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 notice 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 1

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am the attorney for Mud Lake Water Users, Inc., that I have signed the foregoing document in the space below as attorney for Mud Lake Water Users, Inc. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Robert L. Harris

Title and Organization Attorney, Mud Lake Water Users, Inc. Date FEB. 20, 2012

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on 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

Robert L. Harris

Address PO Box 50130, Idaho Falls, ID 83405-0130

Date FEB. 20, 2012

G:\WPDATA\RLH\1047 MLWU\06 Late Claim\Claim.Amended.wpd:cdv

Last Name Mud Lake Water Users, Inc. Ident. Number _____