

RECEIVED
SEP 01 2005
Department of Water Resources

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) Subcase No. 34-13677
)
)
) Standard Form 5
Case No. 39576)
)
) STIPULATED ELEMENTS
) OF A WATER RIGHT
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached Amended Claim, **except IDWR's concurrence is limited to the state based elements only. Since by law IDWR neither investigates nor recommends federal reserved water rights it has no knowledge of, nor opinion regarding, the validity of the federal basis of the right.** The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT /OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 11/15/05
Larry A. Brown Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

[Signature] 11/10/05
Date
[Signature]
For Susan Hamlin (as to form) 11-10-05
Deputy Attorney General Date

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

RIGHT NUMBER: 34-13677

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

LAB *NBS*

The quantity of water under this right and Right Nos. ~~34-4096, 34-7451, 34-12551, and 34-12552~~ shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/28/1934

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.*
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF

DIVERSION: T10N R22E S17 NENWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T10N R22E S17 NWNW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
BLM RECORD ID = 3404589501

CERTIFICATE OF MAILING

I certify that on Nov. 15, 2005, I mailed the original and copies of this form, including all attachments, 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, Idaho 83303-2707

2. Copy to:

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

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of person or attorney mailing the form

02/22/2005

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

RIGHT NUMBER: 34-13677

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right and Right Nos. 34-4096, 34-7451, 34-12551, and 34-12552 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/28/1934

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.*
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION:

T10N R22E S17 NENWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CUSTER County

T10N R22E S17 NWNW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

BLM RECORD ID = 3404589501

- 34-13677 L&M DirRpt 2005
- 34-04096 Partially Decreed
- 34-07451 Partially Decreed
- 34-12552 Partially Decreed
- 34-12551 Partially Decreed

34-13677

Poison
Spring

T10 NR 22 E

BOUNDARY

☒ ☐ ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
 AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA PPD?: ☐ PD?: ☐ Adm?: ☐ Prob?: ☐

Case No. 39576

NAME and ADDRESS: United States of America acting through
 Bureau of Land Management
 Idaho State Office
 1387 South Vinnell Way
 Boise, ID 83709 - 1657

AMENDED NOTICE of CLAIM for Water Right number: 3413677 (IDWR number)
 BLMIDENT: 3404589501 Stg: J StFed: X
 WATER FEDERALLY RESERVED, SEE REMARKS

SOURCE: Source Tributary
 SPRING SINKS

QUANTITY: 0.02 CFS or VOLUME: Acre Feet
 The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/28/1934 Diversion Means: UNDEVELOPED SPRING

REMARKS: Also reserved pursuant to Federal law
 PURSUANT TO EXECUTIVE ORDER DATED 4/17/1926 AND KNOWN AS PWR 107

POINT of DIVERSION: Township Range Section T1 T2 T3 LOT B/E within the County of
 10N 22E 17 NE NW NW 37 CUSTER

PURPOSE and PERIOD OF USE: Purpose of Use Period of Use (from - to): Rate in CFS or Volume in AcFt
 04 0101 1231 0.02

CONSUMPTIVE USE: de minimis stockwater DATE: 01-Nov-01

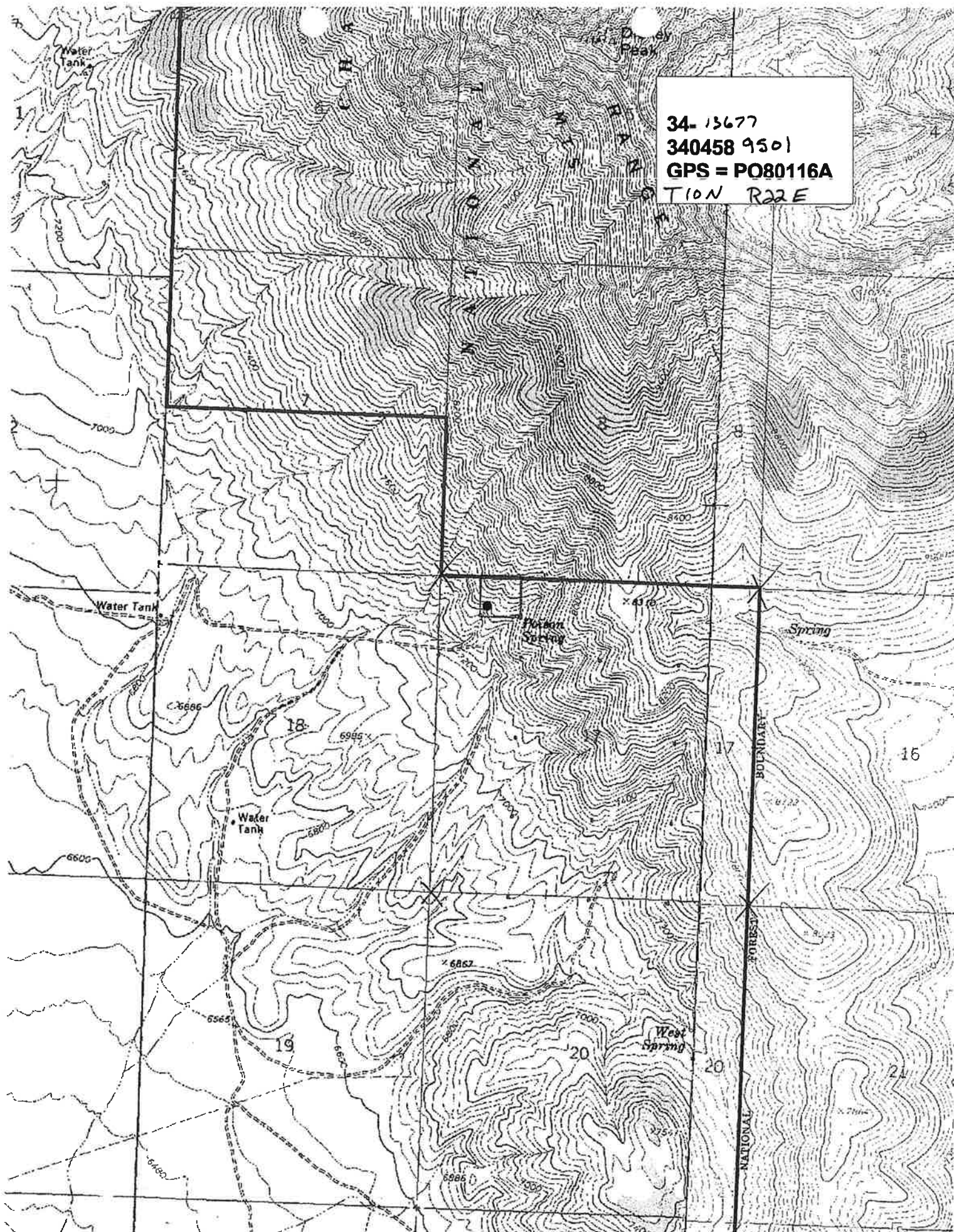
OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT:
 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE of USE: Water Use Twn Rge Sec T1 T2 LOT within the County of
 04 10N 22E 17 NW NW 37 CUSTER

RECEIVED

DEC 03 2002

34-13677
340458 9501
GPS = PO80116A
T10N R22E



CUSTER COUNTY 037
SALMON DISTRICT SEC 3

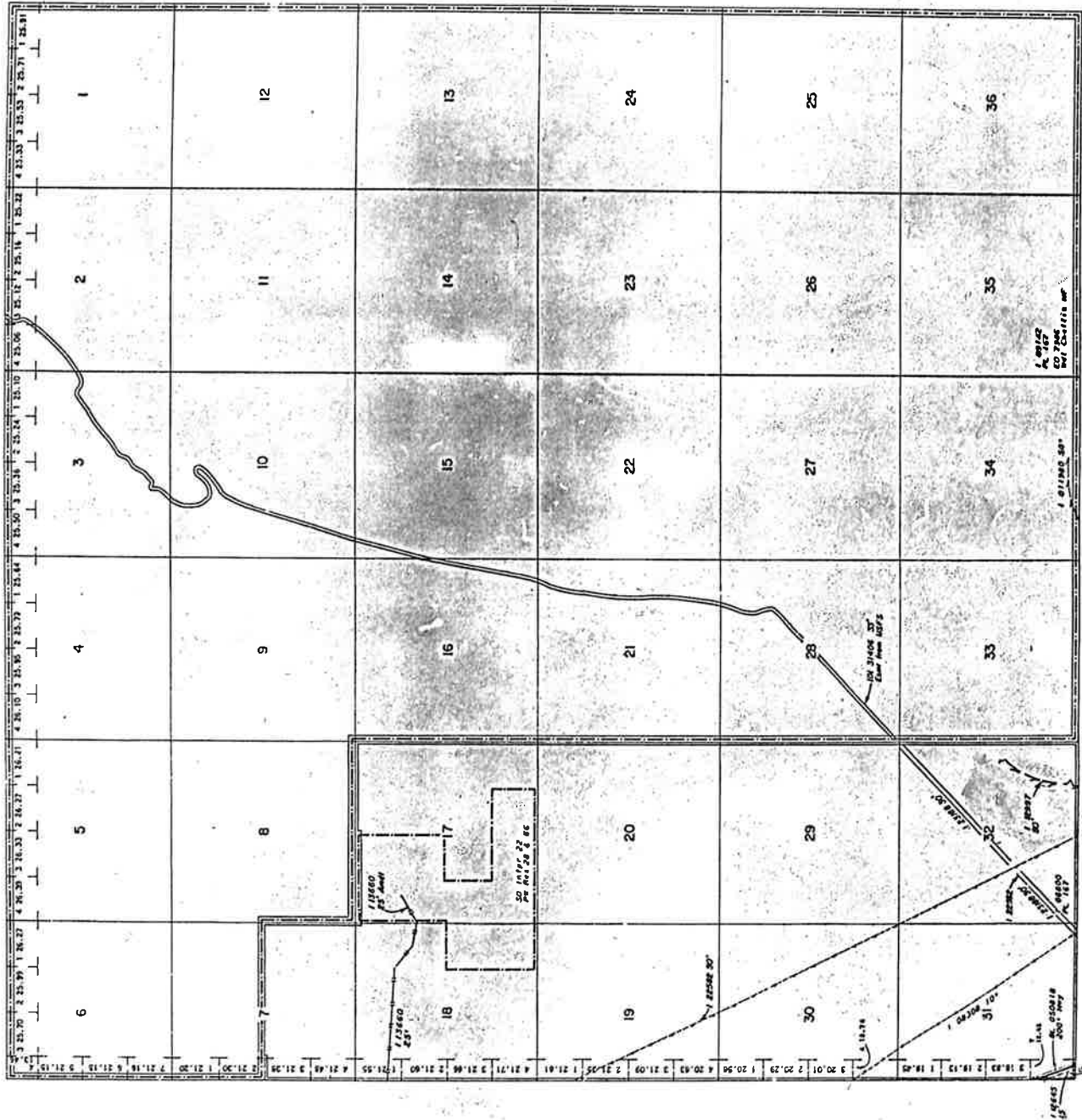
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

1 08800 Det PL 167 (Act of Cong 7/23/1955)
completed 2/15/1960. All PD surface Mgt by BLM

1 09142 Det PL 167 (Act of Cong 7/23/1955)
completed 12/10/1962. All NF surface Mgt by
USFS



THE NOTATION SHOWN ON WITHHOLDALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
HOLDAL ORDER

1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

10 20 30

10

**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

)

SUBCASE NO: 34-13677

(Insert Water Right Number)

)

)

Case No. 39576

)

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.

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

My name is: United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My address is: 1387 South Vinnell Way
Boise, Idaho 83709-1657

My phone number is: Work: (208) 373-4000 Home: same

I am an attorney representing:
United States of America, acting through the
Department of Interior,
Bureau of Land Management,
Idaho State Office

My name is: Larry A. Brown

My address is: U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

My phone number is: (202) 305-0435
(202) 305-0274 Fax

MOTION TO FILE A LATE NOTICE OF CLAIM

☒ I did not file a Notice of Claim to the use of water in the SRBA because:
Recent field investigations and/or review of BLM documentation revealed a need
to make this additional claim.

☐ 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
stockwatering use.

☒ I am providing 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 your Notice of Claim.)
See attached notice of claim and supporting self-explanatory documentation.

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 \$_____.
n/a
- ☐ 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 (IDWR) in the amount of \$_____.
n/a

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 May 21, 2002, 1:30 pm.
(Insert Date and Time)
at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Gary A. Madenford, Water Rights Team Leader, being first duly sworn, upon

(Insert name of person filing form)

oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or 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.

Gary A. Morden-Lard
Signature of person filing motion

Larry A. Brown
Attorney signing in representative capacity

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Subscribed and sworn to before me on this 31st day of January 2002



Seal

Shirley C. Bush
Notary Public in and for the State of : Idaho

Date: January 31, 2002

Residing at: Mountain Home, Idaho

My Commission Expires: December 21, 2005

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002 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, Idaho 83303-2707

2. Copies to:

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

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

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.


Signature of person or attorney mailing the form

Water Right Number 34-13677

Signature:

(a.) By signing below, I acknowledge that I have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

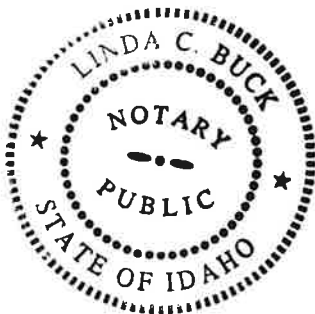
I do solemnly swear or affirm that I am the Water Rights Team Leader
Title
of the United States of America, acting through U.S.D.I., BLM, that I have signed the foregoing documents in the space below as Water Rights Team Leader of the United States of
Title
America, acting through U.S.D.I., BLM, and that the statements contained in the foregoing documents are true and correct.

Signature of Authorized Agent Larry A. Wardenford

for the United States of America, acting through U.S.D.I., BLM January 31, 2002
Date

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Subscribed and sworn to before me on this 31st day of January 2002



Seal

Linda C. Buck
Notary Public in and for the State of : Idaho

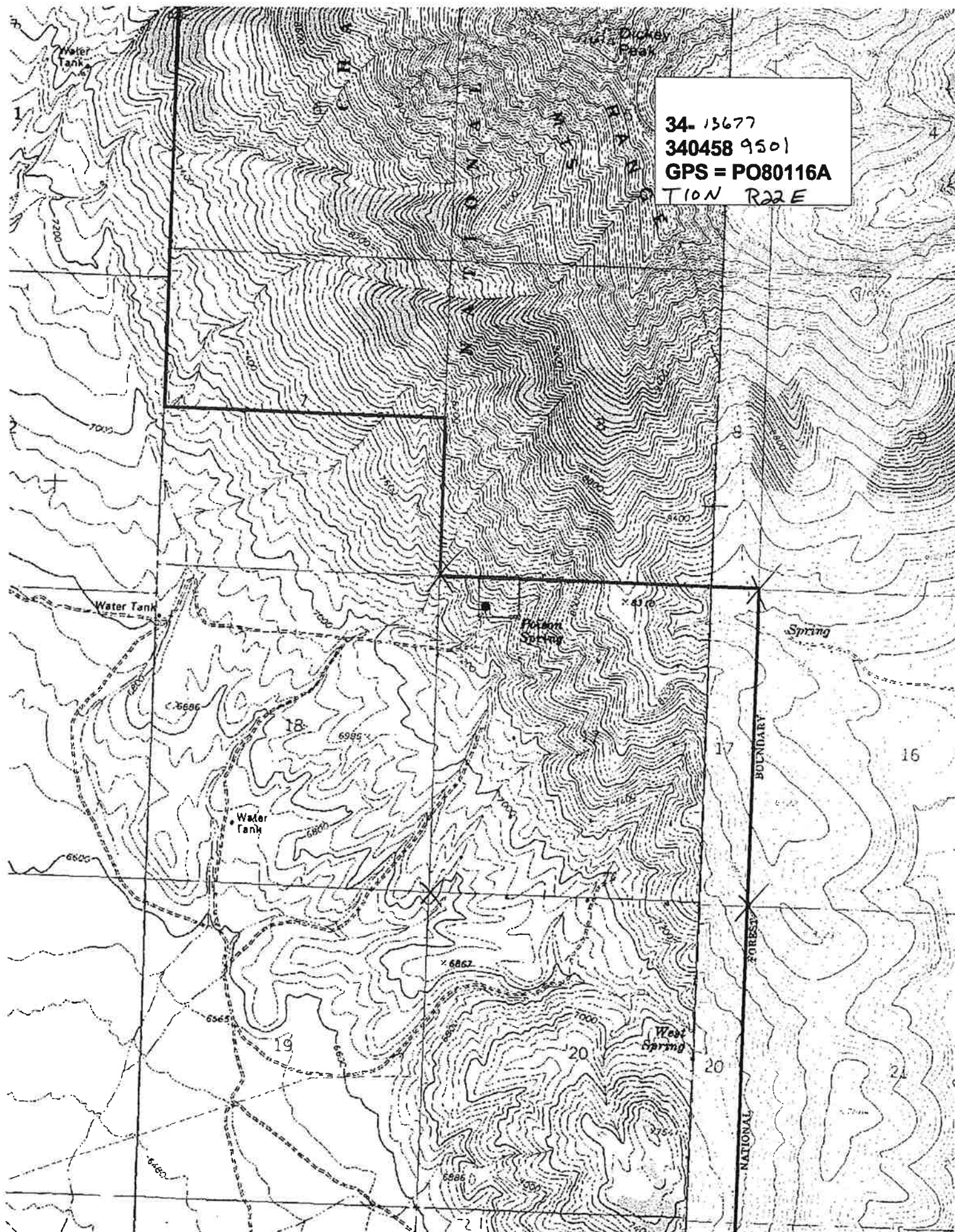
Date: January 31, 2002

Residing at: Mountain Home, Idaho

My Commission Expires: December 21, 2005

☒ ☐ ☐ IN THE DISTRICT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS																					
In Re SRBA	PPD?: ☐ PD?: ☐ Adm?: ☐ Prob?: ☐																				
Case No. 39576	<u>LC</u> <i>fwf</i> AMENDED NOTICE of CLAIM for Water Right number:																				
NAME and ADDRESS	3413677 (IDWR number) BLMIDENT: 3404589501 Stg: J StFed: X United States of America acting through Bureau of Land Management Idaho State Office 1387 South Vinnell Way Boise, ID 83709 - 1657 Other Right and date: WATER FEDERALLY RESERVED, SEE REMARKS																				
SOURCE:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Source</td> <td style="width: 50%;">Tributary</td> </tr> <tr> <td>SPRING</td> <td>SINKS</td> </tr> </table>	Source	Tributary	SPRING	SINKS																
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SPRING	SINKS																				
QUANTITY:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">0.02</td> <td style="width: 20%;">CFS</td> <td style="width: 20%;">or VOLUME:</td> <td style="width: 20%;"></td> <td style="width: 20%;">Acre Feet</td> </tr> </table>	0.02	CFS	or VOLUME:		Acre Feet															
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10N	22E	17	NE	NW	NW			37	CUSTER												
PURPOSE and PERIOD OF USE:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Purpose of Use</th> <th>Period of Use (from - to):</th> <th>Rate in CFS</th> <th>or</th> <th>Volume in AcFt</th> </tr> <tr> <td>04</td> <td>0101</td> <td>1231</td> <td>0.02</td> <td></td> </tr> </table>	Purpose of Use	Period of Use (from - to):	Rate in CFS	or	Volume in AcFt	04	0101	1231	0.02											
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CONSUMPTIVE USE:	de minimis stockwater DATE: 01-Nov-01																				
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04	10N	22E	17	NW	NW		37	CUSTER													

34-13677
340458 9501
GPS = PO80116A
T10N R22E



CUSTER COUNTY 037
SALMON DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

1 09000 Det PL 167 (Act of Cong. 7/23/1955)
completed 2/15/1960. All PD surface mount by BLM

1 09142 Det PL 167 (Act of Cong. 7/23/1955)
completed 12/10/1962. All NF surface mount by
USFS

1. NAME _____

2. DATE _____

3. TIME _____

4. LOCATION _____

5. DESCRIPTION _____

6. REMARKS _____

7. SIGNATURE _____

8. DATE _____

9. TIME _____

10. LOCATION _____

11. DESCRIPTION _____

12. REMARKS _____

13. SIGNATURE _____

14. DATE _____

15. TIME _____

16. LOCATION _____

17. DESCRIPTION _____

18. REMARKS _____

19. SIGNATURE _____

20. DATE _____

21. TIME _____

22. LOCATION _____

23. DESCRIPTION _____

24. REMARKS _____

25. SIGNATURE _____

26. DATE _____

27. TIME _____

28. LOCATION _____

29. DESCRIPTION _____

30. REMARKS _____

31. SIGNATURE _____

32. DATE _____

33. TIME _____

34. LOCATION _____

35. DESCRIPTION _____

36. REMARKS _____

37. SIGNATURE _____

38. DATE _____

39. TIME _____

40. LOCATION _____

41. DESCRIPTION _____

42. REMARKS _____

43. SIGNATURE _____

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45. TIME _____

46. LOCATION _____

47. DESCRIPTION _____

48. REMARKS _____

49. SIGNATURE _____

50. DATE _____

51. TIME _____

52. LOCATION _____

53. DESCRIPTION _____

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57. TIME _____

58. LOCATION _____

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60. REMARKS _____

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64. LOCATION _____

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87. TIME _____

88. LOCATION _____

89. DESCRIPTION _____

90. REMARKS _____

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92. DATE _____

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94. LOCATION _____

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99. TIME _____

100. LOCATION _____

101. DESCRIPTION _____

102. REMARKS _____

103. SIGNATURE _____

104. DATE _____

105. TIME _____

106. LOCATION _____

107. DESCRIPTION _____

108. REMARKS _____

109. SIGNATURE _____

110. DATE _____

111. TIME _____

112. LOCATION _____

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115. SIGNATURE _____

116. DATE _____

117. TIME _____

118. LOCATION _____

119. DESCRIPTION _____

120. REMARKS _____

121. SIGNATURE _____

122. DATE _____

123. TIME _____

124. LOCATION _____

125. DESCRIPTION _____

126. REMARKS _____

127. SIGNATURE _____

128. DATE _____

129. TIME _____

130. LOCATION _____

131. DESCRIPTION _____

132. REMARKS _____

133. SIGNATURE _____

134. DATE _____

135. TIME _____

136. LOCATION _____

137. DESCRIPTION _____

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140. DATE _____

141. TIME _____

142. LOCATION _____

143. DESCRIPTION _____

144. REMARKS _____

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146. DATE _____

147. TIME _____

148. LOCATION _____

149. DESCRIPTION _____

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151. SIGNATURE _____

152. DATE _____

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156. REMARKS _____

157. SIGNATURE _____

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159. TIME _____

160. LOCATION _____

161. DESCRIPTION _____

162. REMARKS _____

163. SIGNATURE _____

164. DATE _____

165. TIME _____

166. LOCATION _____

167. DESCRIPTION _____

168. REMARKS _____

169. SIGNATURE _____

170. DATE _____

171. TIME _____

172. LOCATION _____

173. DESCRIPTION _____

174. REMARKS _____

175. SIGNATURE _____

176. DATE _____

177. TIME _____

178. LOCATION _____

179. DESCRIPTION _____

180. REMARKS _____

181. SIGNATURE _____

182. DATE _____

183. TIME _____

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185. DESCRIPTION _____

186. REMARKS _____

187. SIGNATURE _____

188. DATE _____

189. TIME _____

190. LOCATION _____

191. DESCRIPTION _____

192. REMARKS _____

193. SIGNATURE _____

194. DATE _____

195. TIME _____

196. LOCATION _____

197. DESCRIPTION _____

198. REMARKS _____

199. SIGNATURE _____

200. DATE _____

201. TIME _____

202. LOCATION _____

203. DESCRIPTION _____

204. REMARKS _____

205. SIGNATURE _____

206. DATE _____

207. TIME _____

208. LOCATION _____

209. DESCRIPTION _____

210. REMARKS _____

211. SIGNATURE _____

212. DATE _____

213. TIME _____

214. LOCATION _____

215. DESCRIPTION _____

216. REMARKS _____

217. SIGNATURE _____

218. DATE _____

219. TIME _____

220. LOCATION _____

221. DESCRIPTION _____

222. REMARKS _____

223. SIGNATURE _____

224. DATE _____

225. TIME _____

226. LOCATION _____

227. DESCRIPTION _____

228. REMARKS _____

229. SIGNATURE _____

230. DATE _____

231. TIME _____

232. LOCATION _____

233. DESCRIPTION _____

234. REMARKS _____

235. SIGNATURE _____

236. DATE _____

237. TIME _____

238. LOCATION _____

239. DESCRIPTION _____

240. REMARKS _____

241

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

DATE	11-11-68
CURRENT TO	

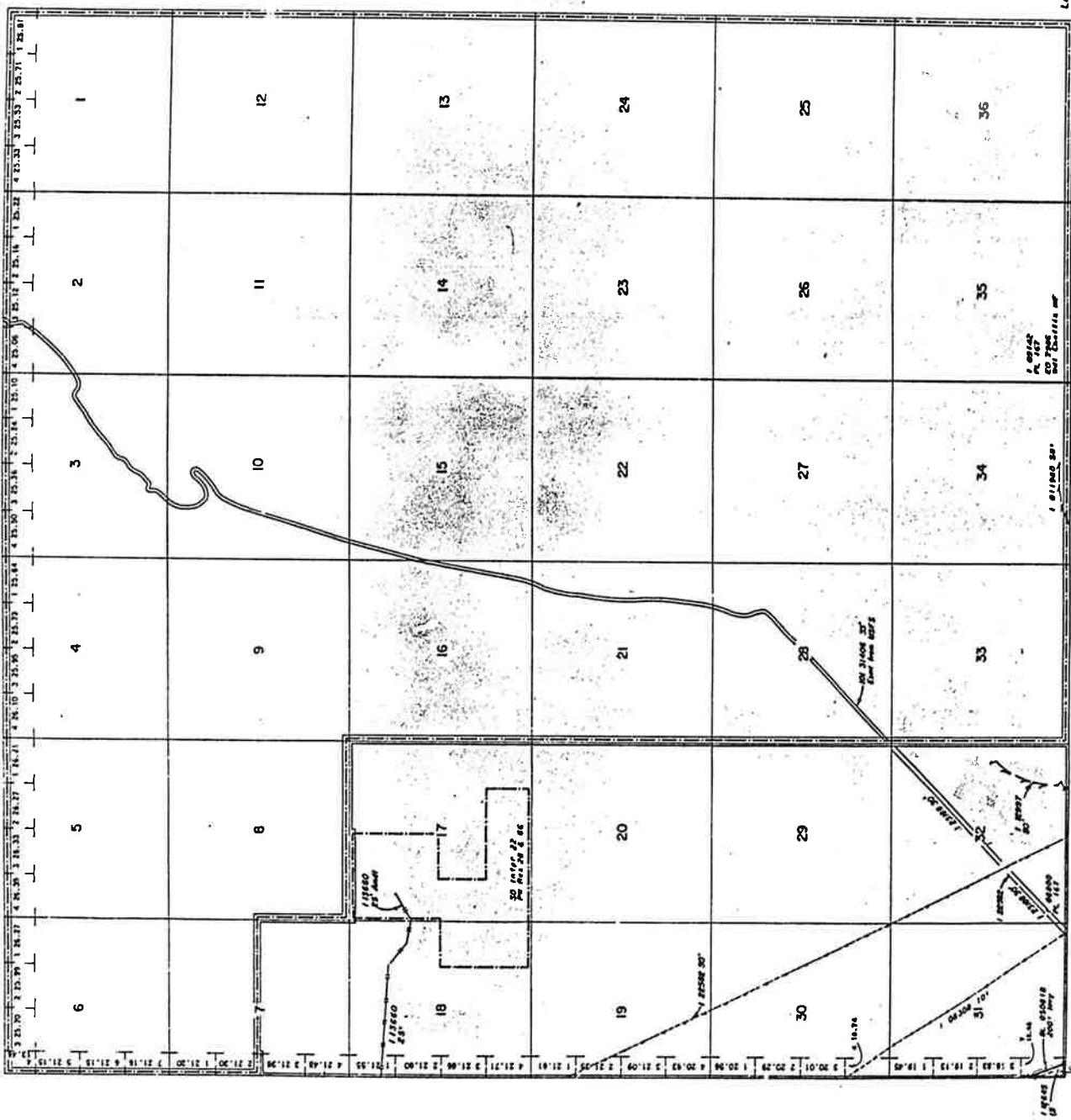
USE PLATE:

Lat. 44° 9' 27" N
Long. 113° 45' W

THE INDENTATION SHOWN ON WITHHOLDALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

SCALE in Chains



RECEIVED

JUL 16 2002

Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**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 Numbers: See Attached Exhibit A
)
) **ORDER DENYING STATE OF**
) **IDAHO'S MOTION FOR AN ORDER**
) **DENYING LEAVE TO FILE LATE**
) **NOTICES OF CLAIM IN BASIN 34**
)
) **AND GRANTING UNITED STATES'**
) **MOTIONS TO FILE LATE NOTICE OF**
) **CLAIM**

The United States filed Motions to File Late Notice of Claim in each of the above-referenced subcases. The State of Idaho filed a Motion for an Order Denying Leave to File Late Notice of Claim in Basin 34 and Requiring a Status Report and a Brief in Support of Motion Re Stock Watering Claims in the above-captioned subcases. The United States filed a Memorandum in Opposition to the State of Idaho's Motion. Oral argument was heard by the Court on June 18, 2002. Having reviewed the record herein and hearing the argument of counsel, and the Court being fully informed, it is hereby

ORDERED that the State of Idaho's Motion for an Order Denying Leave to File Late Notice of Claim is **DENIED**.

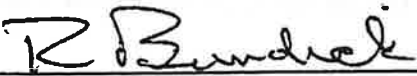
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PAGE 1 - **ORDER DENYING STATE OF IDAHO'S MOTION FOR AN ORDER DENYING LEAVE TO FILE LATE NOTICES OF CLAIM IN BASIN 34 AND REQUIRING A STATUS REPORT AND GRANTING UNITED STATES' MOTIONS TO FILE LATE NOTICE OF CLAIM**

IT IS FURTHER ORDERED that the United States' Motions to File Late Notice of Claim
are GRANTED.

DATED this 12th day of July, 2002.



Roger S. Burdick
Presiding Judge
Snake River Basin Adjudication

Submitted by:



Larry A. Brown
Of Attorneys for the United States

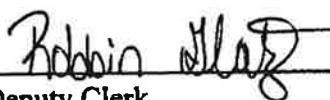
CERTIFICATE OF SERVICE

I certify that on July 12, 2002, I served a true and correct copy of the foregoing **ORDER DENYING STATE OF IDAHO'S MOTION FOR AN ORDER DENYING LEAVE TO FILE LATE NOTICES OF CLAIM IN BASIN 34 AND REQUIRING A STATUS REPORT AND GRANTING UNITED STATES' MOTION TO FILE LATE NOTICES OF CLAIM** by placing the documents in the United States Mail in Twin Falls, Idaho, postage paid, and addressed as follows:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Mr. David J. Barber
Deputy Attorney General
Office of the Attorney General
Natural Resources Division
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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



Deputy Clerk

EXHIBIT A

Subcase Numbers:

34-13676
34-13677
34-13678
34-13679
34-13681
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