

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 37-22445
Date Received: 10/21/1988
Receipt No: C089311
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUN VALLEY WATER & SEWER DIST Phone: (208)622-7610

PO BOX 416
SUN VALLEY ID USA 83353

2. Date of Priority: 09/25/1936

3. Source: GROUND WATER , GROUND WATER , GROUND WATER , GROUND WATER , GROUND WATER ,
Trib. to: , , , ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	7	SE NE	BLAINE	
04N	18E	7	SE NE	BLAINE	
04N	18E	7	NE SE	BLAINE	
04N	18E	7	NE SE	BLAINE	
04N	18E	8	NW NW	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	01/01	12/31	0.52	

7. Total Quantity Appropriated is:
0.52 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

2009 JUN 23 PM 4 37
FILED
DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	17E	24	NE	NE		MUNICIPAL	
04N	18E	5	NE	NE	1	MUNICIPAL	
			NW	NE	2	MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW	3	MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
			SW	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	6	NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	7	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	8	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	
			NW	NW		MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
			SW	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	9	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	

			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
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			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	16	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SW	NE	2	MUNICIPAL
			SE	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NE	SE	4	MUNICIPAL
			NW	SE	3	MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	17	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE	2	MUNICIPAL
			NW	SE	2	MUNICIPAL
			SW	SE	5	MUNICIPAL
			SE	SE	4	MUNICIPAL
04N	18E	18	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW	1	MUNICIPAL
			SE	NW		MUNICIPAL
			SW	SW	6	MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	19	NE	NE		MUNICIPAL
			NW	NW	1	MUNICIPAL

			SW	NW	2	MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	20	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
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			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
04N	18E	21	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	28	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
04N	18E	29	SW	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
04N	18E	30	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	32	NE	NW		MUNICIPAL
05N	18E	32	SE	SW	3	MUNICIPAL
			NE	SE		MUNICIPAL
			SW	SE	2	MUNICIPAL
			SE	SE	1	MUNICIPAL

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Place of use is within the service area of the Sun Valley Water and Sewer District municipal water supply system as provided for under Idaho Law.

Ground water was first diverted under this right at Sun Valley Well No. 2 located in T04N, R18E, S7 SENE.

15. Basis of Claim: Beneficial Use

16. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 0 -

For Organizations:

I do solemnly swear or affirm that I am ATTORNEY of _____ Title

SUN VALLEY WATER AND SEWER DISTRICT that I have signed the foregoing Organization

document in the space below as ATTORNEY of _____ Title

SUN VALLEY WATER AND SEWER DISTRICT and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent

ATTORNEY, SUN VALLEY WATER AND SEWER DIST.
Title and Organization

6-20-09

Date

State of Idaho

County of TWIN FALLS)

SS.

Subscribed and sworn (or affirmed) before me this 20th

of June 2009



Notary Public

Residing at Jerome

My commission Expires 12-29-12

RECEIVED
SEP 18 2009
DEPARTMENT OF
WATER RESOURCES

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

SEP 17 2009

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

Subcases: 37-22444, 37-22445 & 37-22447

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

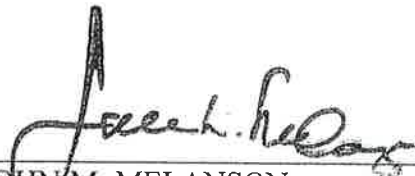
On June 23, 2009, Sun Valley Water & Sewer District, by and through counsel, J. Evan Robertson, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on September 15, 2009. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices 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 claims 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 September 17, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on September
17, 2009, with sufficient first-class postage to the following:

SUN VALLEY WATER & SEWER DIST

Represented by:

JOHN E. ROBERTSON

PO BOX 1906

TWIN FALLS, ID 83303

Phone: 208-734-0700

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

RECEIVED
JUN 24 2009
DEPARTMENT OF
WATER RESOURCES

Hearing: 7-15-09

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 37-22445

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

*d.e. done by
Sawyer
yes good
6-30-09*

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
JUN 24 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 SUN VALLEY WATER & SEWER DISTRICT

My name is J. EVAN ROBERTSON

My address is PO BOX 1906, TWIN FALLS, ID 83303-1906

My phone number is (208) 933-0700

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:

PLEASE SEE ATTACHED MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE
NOTICE OF 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 stock watering 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.)

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 \$ 152.00.

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 Tuesday, September 15, 2009, at 1:30 p.m.

(Insert Date and Time)

at the SRBA 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 (Must be completed)

State of IDAHO

County of TWIN FALLS

J. EVAN ROBERTSON, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Signature of person filing motion

[Signature]
Attorney signing in representative capacity

Subscribed and sworn to before me on June 20, 2009

(Insert Date)



[Signature]
Notary Public for IDAHO

Residing at: *[Signature]*

My Commission expires: 12-29-12

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 June 23, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

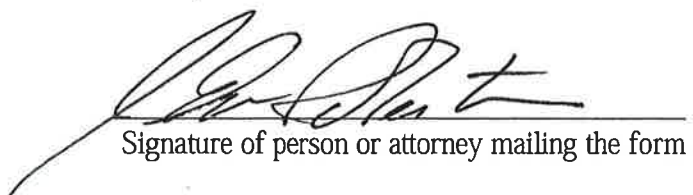
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO 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

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

(Insert Names/address of parties)


Signature of person or attorney mailing the form

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 37-22445
Date Received: 10/21/1988
Receipt No:
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ACQUIRED UNDER STATE LAW**

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SUN VALLEY WATER & SEWER DIST Phone: (208)622-7610

PO BOX 416
SUN VALLEY ID USA 83353

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Trib. to: , , , ,

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04N	18E	7	NE SE	BLAINE	
04N	18E	7	NE SE	BLAINE	
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			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW	3	MUNICIPAL	
			SW	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			NW	SW		MUNICIPAL	
			SW	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	6	NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	7	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
			SE	NE		MUNICIPAL	
			NE	NW		MUNICIPAL	
			SE	NW		MUNICIPAL	
			NE	SW		MUNICIPAL	
			SE	SW		MUNICIPAL	
			NE	SE		MUNICIPAL	
			NW	SE		MUNICIPAL	
			SW	SE		MUNICIPAL	
			SE	SE		MUNICIPAL	
04N	18E	8	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	
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			NW	SE		MUNICIPAL	
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			SE	SE		MUNICIPAL	
04N	18E	9	NE	NE		MUNICIPAL	
			NW	NE		MUNICIPAL	
			SW	NE		MUNICIPAL	

SCANNED
JUN 24 2009

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			NE	NW		MUNICIPAL
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			SW	NW		MUNICIPAL
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			NE	SW		MUNICIPAL
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			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	16	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SW	NE	2	MUNICIPAL
			SE	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NE	SE	4	MUNICIPAL
			NW	SE	3	MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	17	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE	1	MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE	2	MUNICIPAL
			NW	SE	2	MUNICIPAL
			SW	SE	5	MUNICIPAL
			SE	SE	4	MUNICIPAL
04N	18E	18	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW	1	MUNICIPAL
			SE	NW		MUNICIPAL
			SW	SW	6	MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	19	NE	NE		MUNICIPAL
			NW	NW	1	MUNICIPAL

			SW	NW	2	MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	20	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			SW	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NE	SE		MUNICIPAL
04N	18E	21	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			NW	SW		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	28	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
04N	18E	29	SW	NE		MUNICIPAL
			NE	NW		MUNICIPAL
			NW	NW		MUNICIPAL
			SE	NW		MUNICIPAL
			NE	SW		MUNICIPAL
			SE	SW		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
04N	18E	30	NE	NE		MUNICIPAL
			NW	NE		MUNICIPAL
			SE	NE		MUNICIPAL
			NE	SE		MUNICIPAL
			NW	SE		MUNICIPAL
			SW	SE		MUNICIPAL
			SE	SE		MUNICIPAL
04N	18E	32	NE	NW		MUNICIPAL
05N	18E	32	SE	SW	3	MUNICIPAL
			NE	SE		MUNICIPAL
			SW	SE	2	MUNICIPAL
			SE	SE	1	MUNICIPAL

11. Place of use in counties: BLAINE

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12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Place of use is within the service area of the Sun Valley Water and Sewer District municipal water supply system as provided for under Idaho Law.

Ground water was first diverted under this right at Sun Valley Well No. 2 located in T04N, R18E, S7 SENE.

15. Basis of Claim: Beneficial Use

16. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: - 0 -

For Organizations:

I do solemnly swear or affirm that I am ATTORNEY of _____ Title

SUN VALLEY WATER AND SEWER DISTRICT that I have signed the foregoing Organization

document in the space below as ATTORNEY of Title

SUN VALLEY WATER AND SEWER DISTRICT and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent

ATTORNEY, SUN VALLEY WATER AND SEWER DIST. Title and Organization

6-20-09

Date

State of Idaho)

County of TWIN FALLS) SS.

Subscribed and sworn (or affirmed) before me this 20th of June 2009



Notary Public

Residing at Jerome

My commission Expires 12-29-12

J. Evan Robertson
ROBERTSON & SLETTE, PLLC
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 933-0700
Facsimile: (208) 933-0701
ISB# 1801
I:\m\IDWR\memo late objection_22445

Attorney for Claimant Sun Valley Water and Sewer District

**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)
) **MEMORANDUM IN SUPPORT OF**
Case No. 39576) **MOTION TO FILE LATE NOTICE**
) **OF CLAIM**
) **Subcase No. 37-22445**
)

This Memorandum is attached to, and intended to clarify, the Motion of the Sun Valley Water and Sewer District (the "District") to file, in the Snake River Basin Adjudication ("SRBA"), a Late Notice of Claim in Subcase (Water Right Number) 37-22445. Said Motion, together with two additional similar Motions to permit late claim filings by the District with respect to Subcases (Water Rights) 37-22444 and 37-22447, seeks a new basis (i.e., a claim of beneficial use) on which to claim the groundwater diversion currently evidenced by licensed Water Right No. 37-2709, a claim for which has been timely filed in the SRBA (Subcase 37-2709). In negotiations with Mr. Michael Ciscell of the Idaho Department of Water Resources ("IDWR") in SRBA proceedings concerning the claim for Subcase 37-2709, it was mutually agreed that substituting these three (3) late beneficial use claims (SRBA Subcases 37-22444, 37-22445 and 37-22447) (collectively "Late Claims") for the pending SRBA claim based on a licensed right (Subcase 37-2709) constituted the most appropriate way to address inaccuracies in Subcase 37-2709, including issues of priority, nature of beneficial use, and permissible place of use. This Memorandum will briefly discuss the origin of those inaccuracies and issues and, hopefully demonstrate to the Court the appropriateness of approving these Late Claims in lieu of Subcase 37-2709. (The District

has agreed with IDWR that in the event the Late Claims are allowed and processed, the District will withdraw its currently pending SRBA Subcase 37-2709, or will stipulate with IDWR for its disallowance.)

To understand the inaccuracies in pending Subcase 37-2709, a bit of local Sun Valley history may be helpful. The development of the Sun Valley Resort ("Resort") was undertaken by the Union Pacific Railroad in the late 1930's, with the first buildings being completed in 1936, consisting of hotel rooms, restaurants and related facilities. To provide the required water for those uses, the Union Pacific Railroad drilled, and commenced using, a small groundwater well on or about August 21, 1936, diverting approximately 0.31 cfs. This well is now known and referred to as District "Well No. 1." A second well, now known and referred to as District "Well No. 2," was completed by the Union Pacific Railroad and placed in service on or about September 25, 1936, capable of diverting approximately 0.52 cfs of groundwater. As the development of the Resort continued, a third well, now known as District "Well No. 3," became necessary and was placed in service on or about July 26, 1948, diverting approximately 0.95 cfs of groundwater. (Those three wells constitute the basis for the Motions to permit the filing of the Late Claims for Water Right Nos. 37-22444, 37-22445, and 37-22447, respectively.)

Notwithstanding the fact that District Wells Nos. 1, 2 and 3, have been used continuously since their above-referenced respective priority dates, when the Resort was sold by the Union Pacific Railroad to the Sun Valley Company, a subsidiary of the Janss Corporation, in the mid-1960's, the purchaser became needlessly concerned that the water rights for those three wells were not evidenced by a formal, printed license from IDWR. Consequently, the Janss Corporation, in 1965, filed an application for, and received from IDWR, a single license (37-2709) for all three, with a diversion rate of 1.78 cfs, which equals the combined diversion rates of the three wells. The license specified the beneficial use as Domestic, with a place of use which covered a very limited portion of the Resort and a priority date of July 8, 1965, the date the license was applied for.

As the Resort continued to grow, it transitioned into an incorporated city, whose central water services were transferred to the District, and were incorporated into the District's integrated municipal water system which serves the entirety of the City of Sun Valley. One such right was licensed Water Right No. 37-2709, which was transferred to the District in 1966. At the time of the transfer the District evidently did not object to the license priority date of July 8, 1965, quite possibly because groundwater priority dates were not then the concern they are today. However, during the SRBA proceedings,

including a full investigation of the history of Water Right No. 37-2709 with the help of IDWR, substantial credible evidence was found which establishes that Water Right No. 37-2709 was, in fact, comprised of the three beneficial use claims with much earlier priority dates relating to District Wells Nos. 1, 2 and 3. In addition, the 1965 license for Water Right No. 37-2709 and the pending SRBA claim for it continue to list the beneficial use as "Domestic," rather than the "Municipal" use actually being made of that right since it was acquired by the District, and similarly designates a very limited place of use which does not reflect the District's integrated service area. As a result of those deficiencies, the District and IDWR came to the conclusion that the District should file three separate motions to permit the Late Claims based on a Notice of Claim to a State Right Acquired under State Law for the water appurtenant to District Wells Nos. 1, 2 and 3, setting forth a corrected priority date for each; a recognition that the established beneficial use of the water is "Municipal"; the inclusion of updated points of diversion to include the District's integrated well system; and a revised place of use consistent with the current service area of the District. That conclusion is the genesis of the three Late Claims referred to herein. As mentioned above, if these three Motions are granted, and the Late Claims filed and processed, the District and IDWR will withdraw the pending SRBA claim for Water Right No. 37-2709, or will stipulate to its disallowance.

DATED this 20th day of June, 2009.

ROBERTSON & SLETTE, PLLC

By


J. Evan Robertson

CERTIFICATE OF MAILING

I hereby certify that on this 23 day of June, 2009, I served a copy of the foregoing instrument, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

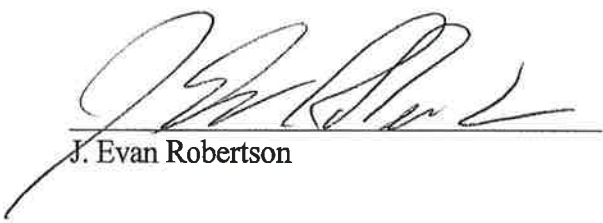
Original to: Clerk of the Court
Snake River Basin Adjudication
253 Third Ave. N. - P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

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

United States Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



J. Evan Robertson

10/07/2009

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

RIGHT NUMBER: 37-22445

NAME AND ADDRESS: SUN VALLEY WATER & SEWER DIST
PO BOX 416
SUN VALLEY ID 83353

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.520 CFS

PRIORITY DATE: 09/25/1936

POINT OF
DIVERSION:

T04N R18E S7 SENE Within BLAINE County
T04N R18E S7 SENE Within BLAINE County
T04N R18E S7 NESE Within BLAINE County
T04N R18E S7 NESE Within BLAINE County
T04N R18E S8 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.520 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the service area of the Sun Valley Water and Sewer District municipal water supply system as provided for under Idaho Law.

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.

Ground water was first diverted under this right at Sun Valley Well No. 2 located in T04N, R18E, S7 SENE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 37-22445

[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

October 1, 2009

JOHN E ROBERTSON
PO BOX 1906
TWIN FALLS ID 83303

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-22444, 37-22445 & 37-22447
Your Client: Sun Valley Water & Sewer District

Dear Mr. Robertson:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipts #C089310, C089311 and C089312 for the filing fees your firm paid.

Your clients' Notices 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.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

for Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region
Enclosures: Receipts Referenced Above

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OCT 02 2009