

11/14/2011

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

RIGHT NUMBER: 31-12222

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: DRY CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 5.670 CFS

PRIORITY DATE: 05/01/1953

POINT OF
DIVERSION:

T13N R40E S9 NWSW Within CLARK County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		05/01 10/31		5.670 CFS
PLACE OF USE:	<u>IRRIGATION in CLARK County</u>				
	T13N R40E S10	SWSW	24.00	T13N R40E S15	NENW 40.00
	T13N R40E S15	NWNW	40.00	T13N R40E S15	SWNW 40.00
	T13N R40E S16	NENE	40.00	T13N R40E S16	NWNE 40.00
	T13N R40E S16	SWNE	40.00	T13N R40E S16	SENE 40.00
	T13N R40E S16	NENW	25.00	T13N R40E S16	SENW 25.00
	T13N R40E S16	NESW	29.00	T13N R40E S16	SWSW 0.20
	T13N R40E S16	SESW	0.50	T13N R40E S16	NESE 33.00
	T13N R40E S16	NWSE	27.00		

443.7 ACRES TOTAL

Right Nos. 31-11982 and 31-12222 are limited to the irrigation of a combined total of 443.7 acres in a single irrigation season.

This right is limited to the irrigation of 283.7 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 31-12222
Date Received: 1/25/2011
Receipt No:
Received By: MWH

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

1. Name of Claimant(s)

STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID USA 83720-0050

2. Date of Priority: 05/01/1953

3. Source: DRY CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	40E	9	NW SW	CLARK	

5. Description of diverting works:

HEADGATE IN CREEK TO DITCHES TO FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	5.67	

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

8. Total consumptive use:

9. Non-irrigation uses:

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SEP 30 2011
Department of Water Resources
Eastern Region

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	40E	10	SW	SW	IRRIGATION	24
					Section Acres	24
13N	40E	15	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	120
13N	40E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	25
			SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	29
			SW	SW	IRRIGATION	0.2
			SE	SW	IRRIGATION	0.5
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	27
					Section Acres	299.7
					Total Acres	443.7

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

31-11982

14. Remarks:

This right is limited to the irrigation of 283.7 acres within the place of use described above in a single irrigation season.

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: _____

For Organizations:

I do solemnly swear or affirm that I am Patrick A. Brown of _____ Title

State of Idaho, Department of Lands, that I have signed the foregoing Organization

document in the space below as Area Manager, Eastern Idaho Area of Title

State of Idaho, Department of Lands and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent

Area Manager, Eastern Idaho Area, State of Idaho, Department of Lands Title and Organization

9/30/11

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

of September 20 11

30th day
K. Kienlen

Notary Public

**K. KIENLEN
NOTARY PUBLIC
STATE OF IDAHO**

Residing at Idaho Falls

My commission Expires

January 28, 2014

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

RIGHT NUMBER: 31-12222

NAME AND ADDRESS:

STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE:

Source:
DRY CREEK

Tributary:

SPRING CREEK

QUANTITY:

5.670 CFS

~~2.870 CFS~~

~~Right Nos. 31-11982 and 31-12222 are limited to a total combined diversion rate of 2.87 cfs.~~

PRIORITY DATE:

05/01/1945

~~09/27/1973~~

~~This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.~~

POINT OF DIVERSION:

T13N R40E S9 NWSW
Within CLARK County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

05/01 10/31

5.670 CFS

~~2.870 CFS~~

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

PLACE OF USE: IRRIGATION within CLARK County

T13N R40E S10 SWSW 24.0
T13N R40E S15 NENW 40.0
T13N R40E S15 NWNW 40.0
T13N R40E S15 SWNW 40.0
T13N R40E S16 NENE 40.0
T13N R40E S16 NWNE 40.0
T13N R40E S16 SWNE 40.0
T13N R40E S16 SENE 40.0
T13N R40E S16 NENW 25.0
T13N R40E S16 SENW 25.0
T13N R40E S16 NESW 29.0
T13N R40E S16 SWSW 0.2
T13N R40E S16 SESW 0.5
T13N R40E S16 NESE 33.0
T13N R40E S16 NWSE 27.0

443.7 ACRES TOTAL

Right Nos. 31-11982 and 31-12222 are limited to the irrigation of a combined total of 443.7 acres in a single irrigation season.

This right is limited to the irrigation of 283.7 acres within the place of use described above in a single irrigation season.

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.

~~This right is based upon an enlargement of Right No. 31-11982 pursuant to Section 42-1426, Idaho Code.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~This right is for an enlargement of 300.2 acres within the place of use described for this right.~~

05/11/2011

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

RIGHT NUMBER: 31-12222

NAME AND ADDRESS: STATE OF IDAHO
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: DRY CREEK

TRIBUTARY: SPRING CREEK

QUANTITY: 2.870 CFS

Right Nos. 31-11982 and 31-12222 are limited to a total combined diversion rate of 2.87 cfs.

PRIORITY DATE: 09/27/1973

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T13N R40E S9 NWSW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	2.870 CFS

PLACE OF USE: IRRIGATION in CLARK County

T13N R40E S10	SWSW	24.00	T13N R40E S15	NENW	40.00
T13N R40E S15	NWNW	40.00	T13N R40E S15	SWNW	40.00
T13N R40E S16	NENE	40.00	T13N R40E S16	NWNE	40.00
T13N R40E S16	SWNE	40.00	T13N R40E S16	SENE	40.00
T13N R40E S16	NENW	25.00	T13N R40E S16	SENW	25.00
T13N R40E S16	NESW	29.00	T13N R40E S16	SWSW	0.20
T13N R40E S16	SESW	0.50	T13N R40E S16	NESE	33.00
T13N R40E S16	NWSE	27.00			

443.7 ACRES TOTAL

Right Nos. 31-11982 and 31-12222 are limited to the irrigation of a combined total of 443.7 acres in a single irrigation season.

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.

This right is based upon an enlargement of Right No. 31-11982 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 300.2 acres within the place of use described for this right.

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 31-12222
Date Received: 1/12/2011
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone:
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID USA 83720-0050

2. Date of Priority: 09/27/1973

3. Source: DRY CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	40E	9	NW SW	CLARK	

5. Description of diverting works:

HEADGATE IN CREEK TO DITCHES TO FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	2.87	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13N	40E	10	SW SW	IRRIGATION	24

SCANNED
APR 25 2011

					Section Acres	24
13N	40E	15	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	120
13N	40E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	25
			SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	29
			SW	SW	IRRIGATION	0.2
			SE	SW	IRRIGATION	0.5
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	27
					Section Acres	299.7
					Total Acres	443.7

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is based upon an enlargement of Right No. 31-11982 pursuant to Section 42-1426, Idaho Code.

AWAITING ACCEPTANCE OF CLAIM BY SRBA COURT.

15. Basis of Claim: Beneficial Use

16. Signature(s)

SCANNED
APR 25 2011

(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: _____

For Organizations:

I do solemnly swear or affirm that I am Patrick A. Brown Title Area Manager
Eastern Area ID Dept. of Lands that I have signed the foregoing
Organization document in the space below as Area Manager of
Title Area Manager and that the statements contained in the
Organization foregoing document are true and correct.
Signature of Authorized Agent [Signature]
Area Manager
Title and Organization
1/12/2011
Date

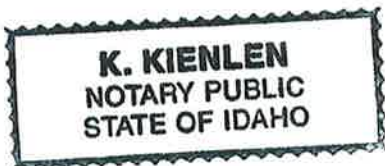
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
of 13th January 2011

[Signature]
Notary Public

Residing at Idaho Falls, ID

My commission Expires January 28, 2014



SCANNED
APR 25 2011

RECEIVED
APR 22 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 20 2011	
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

Subcase: 31-12222

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 25, 2011, the State of Idaho Department of Lands, by and through counsel, David I. Stanish, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 19, 2011. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

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: April 20, 2011.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
APR 25 2011

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 April 20, 2011, with sufficient first-class postage to the following:

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

JRW BUILDING, SECOND FLOOR

700 W STATE ST, PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

SCANNED
APR 25 2011

ORDER

Page 1 4/20/11

FILE COPY FOR 00360

Deputy Clerk

Julie Murphy

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, May 03, 2011 8:21 AM
To: Marston, Sascha
Cc: Holliday, Michael; Spencer, Nick
Subject: RE: 31-12222
Attachments: RE: 31-12222

Hey Sascha,

We need to bill the Idaho Department of Lands **\$400** through interagency billing. The request is in the e-mail below and the amount requested is addressed in the attached e-mail. Let me know if you need anything else.

Thanks,
Craig

From: Holliday, Michael
Sent: Wednesday, January 12, 2011 3:06 PM
To: Saxton, Craig
Subject: FW: 31-12222

hi craig. who would be the person that initiates interagency billing for late claims? not sure if the transaction should take place now or after the claim is accepted by the court. would you mind forwarding this on to the right person? the fee is \$400.

thanks a bunch, michael

From: Katina Kienlen [<mailto:KKienlen@idl.idaho.gov>]
Sent: Wednesday, January 12, 2011 2:54 PM
To: Holliday, Michael
Cc: Al Ruberry
Subject: 31-12222

Please have your administrative assistant or fiscal accounts payable initiate an Interagency Billing Input form IAB and send to me to complete payment. Interagency Departments requesting funds must initiate the IAB, and then send to the paying agency for completion.

If you have any questions please let me know.

Thanks
Kat

Katina Kienlen

Idaho Department of Lands

Eastern Supervisory Area
3563 Ririe Highway
Idaho Falls, ID 83401
(208)525-7167 p
(208)525-7011 f
kkienlen@idl.idaho.gov

"Managing Our Endowment Lands for the Future of Idaho"

Saxton, Craig

From: Holliday, Michael
Sent: Wednesday, January 12, 2011 1:49 PM
To: Al Ruberry
Cc: Saxton, Craig
Subject: RE: 31-12222

allen, sorry about that. the cost of the claim is \$400 (\$50 for the claim fee, \$50 for the late fee, and \$300 for the acres that had not been paid on).

craig, if this one gets accepted by the court, would you please send it to me for review?
thanks.

michael

From: Al Ruberry [<mailto:ARuberry@idl.idaho.gov>]
Sent: Wednesday, January 12, 2011 1:33 PM
To: Holliday, Michael
Subject: 31-12222

Michael, thanks for the help in filing the enlargement claim..... however, you did not tell me the cost. As soon as I get that I'll send it to Boise for payment.



Allen B. Ruberry
Sr. Resource Specialist - Lands

Eastern Idaho Area Office
3563 Ririe Highway
Idaho Falls, ID 83401
Office: (208) 525-7167
e-mail: aruberry@idl.idaho.gov

"Managing our Endowment Lands for the Future of Idaho"

COPY

Hearing

RECEIVED

JAN 25 2011

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 *due 400 fees*)
The additional 143 ac)
claimed already.)
Case 39576 *paid for.*)
C. S. S. S.)
_____)

Subcase 31-12222
(Insert water right number)

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
JAN 25 2011

☒ 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 State of Idaho, Department of Lands

My name is David I. Stanish, Deputy Attorney General

My address is Natural Resources Division, Office of the Attorney General

JRW Building, 2nd Floor, 700 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0010

My phone number is (208) 334-4549

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:

IDL filed claim no. 31-11982. After further cartographic review of the director's
report for that claim, IDL became aware that the place of use of that claim had
been enlarged consistent with this claim to water right no. 31-12222.

☐ 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.)

Attached are documents, including aerial photos, illustrating the place
of use of the enlargement.

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 \$ _____.

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 _____
(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:

IDWR has indicated that they will initiate inter-agency billing
process to collect the fees due once the court grants IDL's motion
to file late claim.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

David I. Stanish, 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

David I. Stanish

Attorney signing in representative capacity

Subscribed and sworn to before me on January 24, 2011
(Insert Date)



Notary Public for Idaho

Residing at: Boise ID

My Commission expires: 2/5/16

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 January 24, ²⁰¹¹~~199~~, 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:

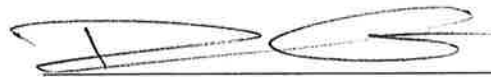
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

~~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

SCANNED
JAN 25 2011

Attachment I

Water Right Description

SCANNED
JAN 25 2011

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 31-12222
Date Received: 1/12/2011
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone:
DEPARTMENT OF LANDS
300 N 6TH ST, STE 103
PO BOX 83720
BOISE ID USA 83720-0050

2. Date of Priority: 09/27/1973

3. Source: DRY CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	40E	9	NW SW	CLARK	

5. Description of diverting works:

HEADGATE IN CREEK TO DITCHES TO FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	2.87	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13N	40E	10	SW SW	IRRIGATION	24

					Section Acres	24
13N	40E	15	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
					Section Acres	120
13N	40E	16	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	25
			SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	29
			SW	SW	IRRIGATION	0.2
			SE	SW	IRRIGATION	0.5
			NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	27
					Section Acres	299.7
					Total Acres	443.7

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is based upon an enlargement of Right No. 31-11982 pursuant to Section 42-1426, Idaho Code.

AWAITING ACCEPTANCE OF CLAIM BY SRBA COURT.

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

Number of attachments: _____

For Organizations:

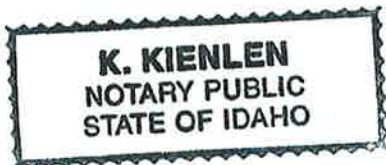
I do solemnly swear or affirm that I am Patrick A. Brown Title Area Manager
Eastern Area ID Dept. of Lands that I have signed the foregoing
Organization document in the space below as Area Manager of
Title Eastern Area ID Dept. of Lands and that the statements contained in the
Organization foregoing document are true and correct.
Signature of Authorized Agent [Signature]
Area Manager
Title and Organization
1/12/2011
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
of 12th January 2011

[Signature]
Notary Public

Residing at Idaho Falls, ID
My commission Expires January 28, 2014



Attachment II

Map of Place of Use

SCANNED
JAN 25 2011

T13N, R40E

9 10
16 15

24.0

40.0

40.0

40.0

40.0

40.0

33.0

40.0

40.0

27.0

25.0

25.0

29.0

0.5

0.2

POB

SCANNED
JAN 25 2011

Attachment III

Aerial Photos of Place of Use – 9/27/1973

SCANNED

JAN 25 2011

TEN ROSE



SCANNED
JAN 25 1974

SRP 9B-17

13N
40E

TIMBER

0.1 L 152.48

SCANNEL
JAN 25 2011

Attachment IV

Aerial Photos of Place of Use – 7/26/1978

SCANNED
JAN 25 2011

USDA

16

614152

178 94

TIMBER

SCANNED
JAN 25 2011

Attachment V

Aerial Photos of Place of Use – 9/20/1985

SCANNED
JAN 25 2011

USDA-F 16 614151 185-193

Sec 16.
T13N.
R40E.

TIMBER

17
16
15
14
13
12
11
10
9
8
7
6
5
4
3
2
1

8 9 2

SCANNED
JAN 25 2011

USDA-F

16

614151

185-173

T. BANYOE

5/10

TIMBER

5/5

5/10
5/10

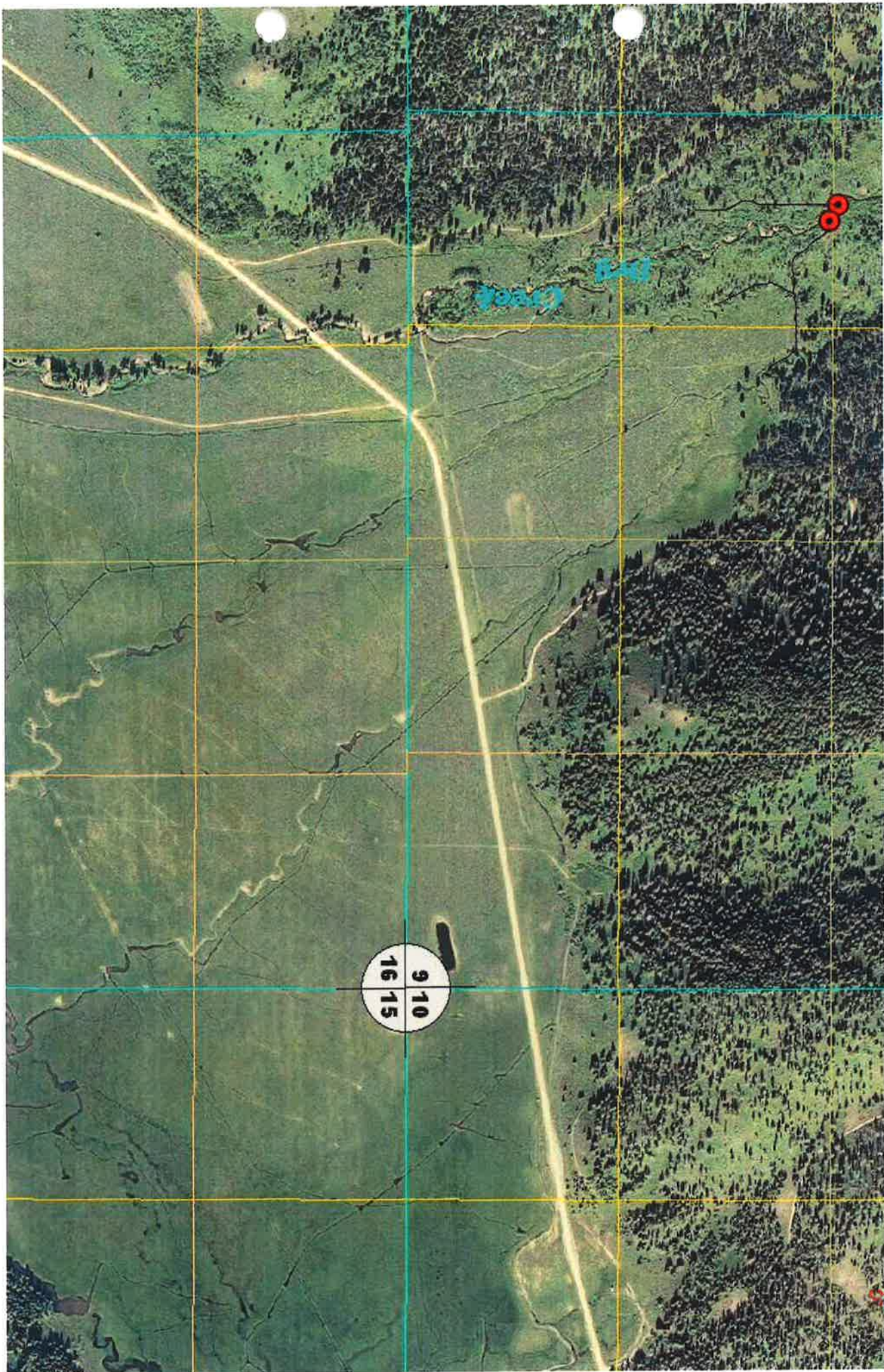
CPL 155 208

SCANNED
JAN 25 2011

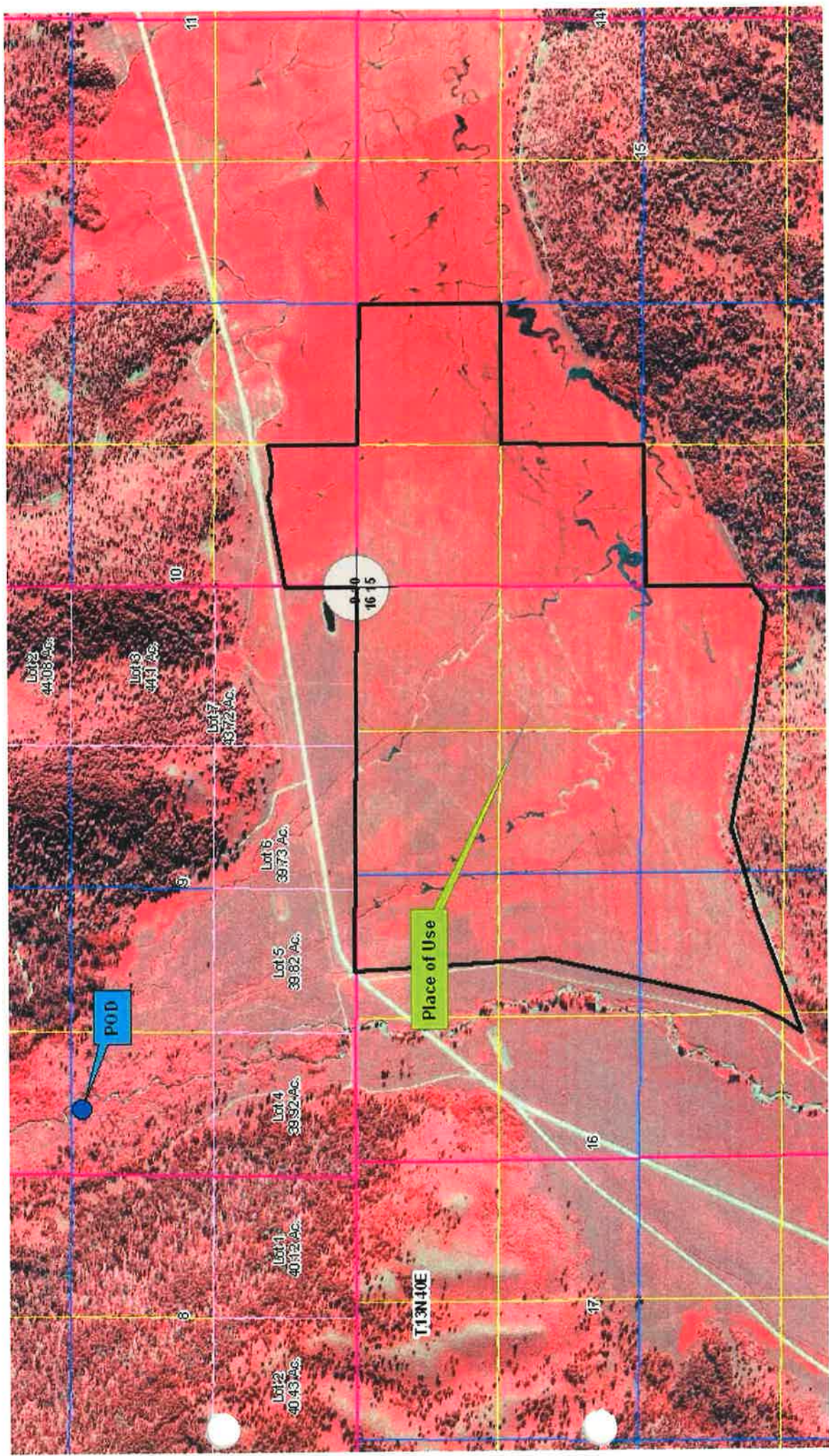
Attachment VI

Aerial Photos of Place of Use – 2009

SCANNED
JAN 25 2011



SCANNED





RECEIVED
NOV 09 2011
Department of Water Resources
Eastern Region

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

November 8, 2011

Michael Holliday
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: SRBA Subcase No. 31-12222

Dear Michael:

The Idaho Department of Lands ("IDL") submits the Affidavit of James F. Hagenbarth as evidence of the priority date for IDL's Amended Notice of Claim for Water Right No. 31-12222. The executed affidavit is enclosed with this letter.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyson K. Nelson".

Tyson K. Nelson
Deputy Attorney General

TKN/olv

Enclosure

NOV 09 2011

Department of Water Resources
Eastern Region

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

TYSON K. NELSON (ISB No. 7188)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

*Counsel for the State of Idaho,
Department of Lands*

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. 31-12222

**AFFIDAVIT OF JAMES F.
HAGENBARTH**

STATE OF MONTANA)
) ss.
County of Beaverhead)

JAMES F. HAGENBARTH, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I lease land from the State of Idaho under Idaho Department of Lands Lease No. G8407 ("Lease"), along with the following lessees: Laurel A. Hagenbarth, David J. Hagenbarth, and Pat Carrick.
2. The Lease includes State land in Clark County, Idaho, identified in Exhibit A attached hereto (hereinafter "State Land").

3. I have leased the State Land since 1991.

4. My family has worked on properties in the vicinity of the State Land for several years. I am familiar with the historic irrigation practices on the State Land and other properties located near the State Land.

5. My family installed a system to divert water from Dry Creek to irrigate property located near the State Land on or about March 31, 1944.

6. I reviewed an aerial photograph taken in 1953 that showed water had been diverted from Dry Creek and applied to the State Land.

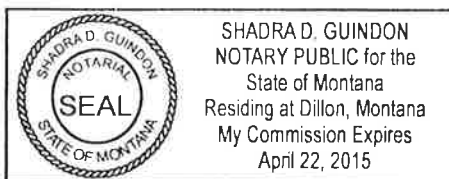
7. Based upon my knowledge of my family's historic practices in this area of Idaho, water was diverted from Dry Creek and first applied to the State Land sometime after March 31, 1944, and before the irrigation season in 1953.

Further your affiant sayeth naught.

DATED this 2nd day of ~~October~~ ^{November} 2011.

James F. Hagenbarth
James F. Hagenbarth

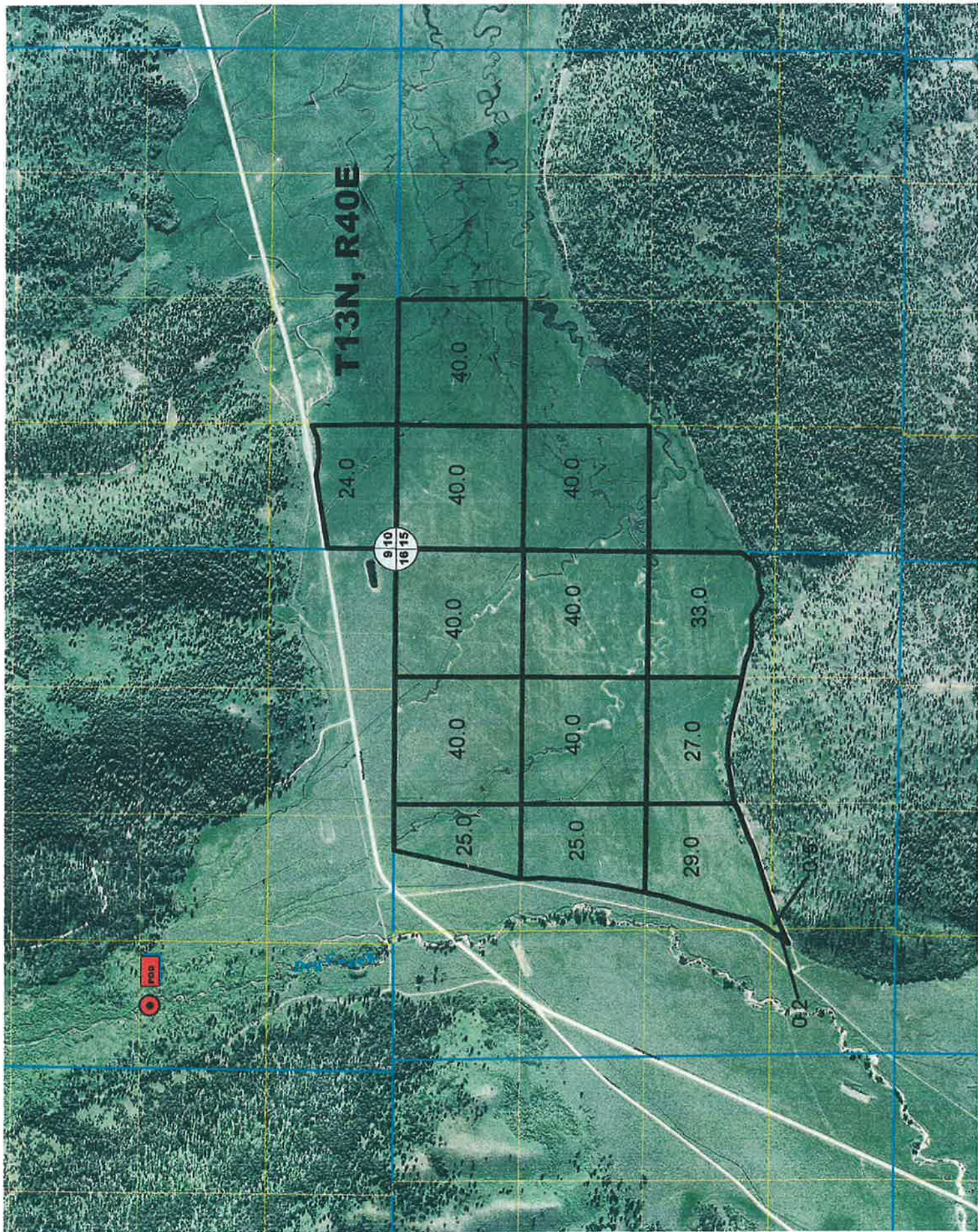
Subscribed and sworn to before me on this 2nd day of ~~October~~ ^{November} 2011

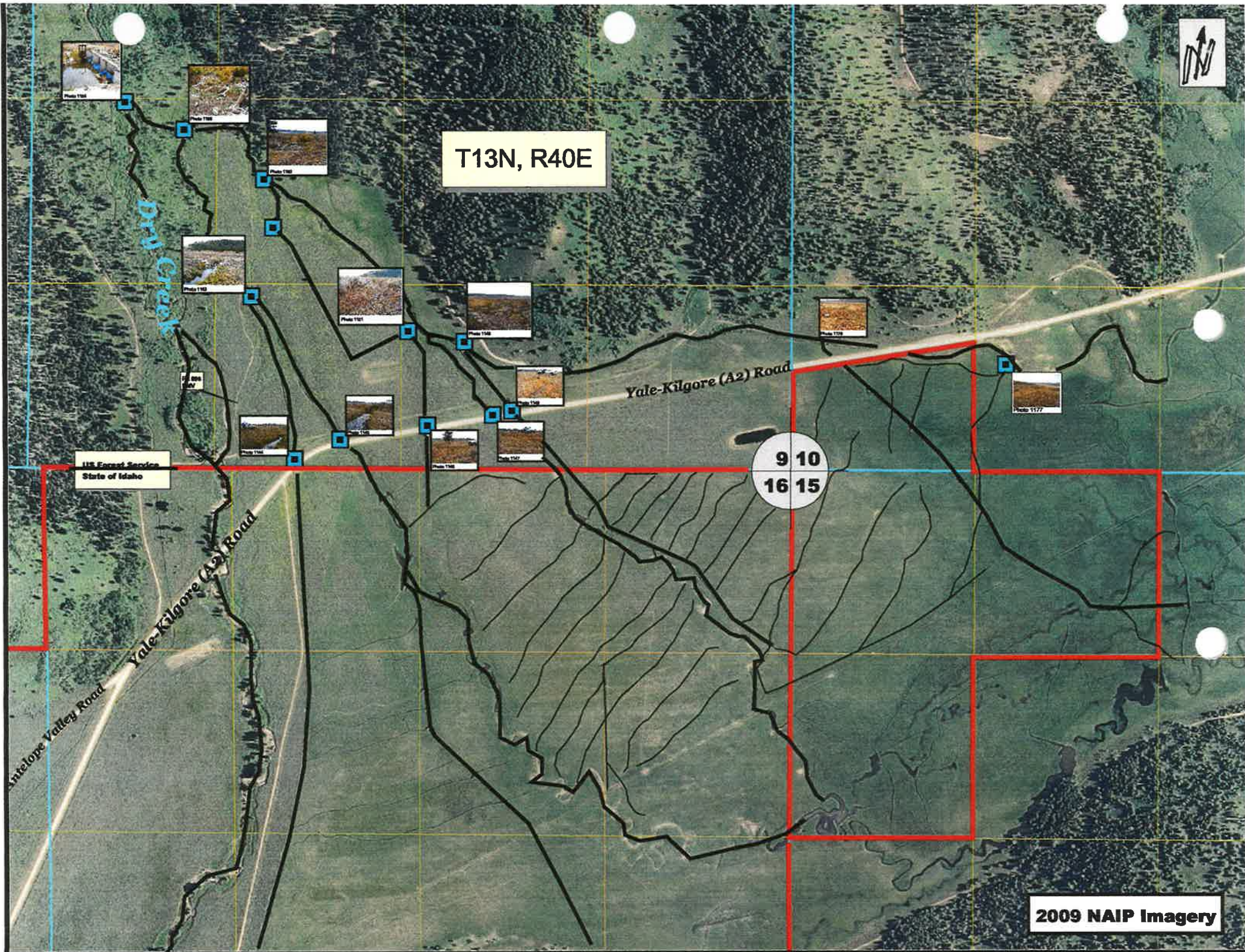


[Signature]
Notary Public for _____
Residing at: _____
My commission expires: _____

EXHIBIT A

Map of Place of Use for Water Right 31-12222





T13N, R40E

Yale-Kilgore (A2) Road

Yale-Kilgore (A2) Road

Antelope Valley Road

Dry Creek

U.S. Forest Service
State of Idaho

9 10
16 15

2009 NAIP Imagery

