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Form 42-1409(8)
10/2023

Date Received MAR 12 2025

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

IDWR/Preston

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time to file an adjudication claim as allowed under Section 42-1409(8), Idaho Code.

Bear River Small Irrigators of Idaho (208) 251-8862
Name of Claimant Phone Number
3699 N. 1600 E. 7mlcattle@gmail.com
Mailing Address E-mail Address
Preston ID 83263
City State Zip
Bear Lake, Caribou, Franklin December 8, 2023
County(ies) where place of use is located Date claim originally due
TBD
Identify water right(s) for which extension is requested

State why an extension of time is requested, explaining how a diligent effort has been made to meet the deadline:

See attached.

Claimant requests an extension to October 31, 2025, 20____

Thomas V. Bunch March 12, 2025, 20____
Signature Date of request

Attorney
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES \

The above request for extension of time is hereby [☐ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to _____, 20____

Signed this _____ day of _____, 20____

Director or his designated agent

Mail to: Idaho Department of Water Resources
322 E. Front St., PO Box 83720
Boise, ID 83720-0098

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Attachment to Second Request for Extension of Time to File Adjudication Claims

IDWR/Preston

Bear River Small Irrigators of Idaho (Claimant) consists of farmers who have entered into contracts with PacifiCorp to use storage water from Bear Lake to irrigate farmland in the Bear River Basin. Claimant is allocated storage annually for use by its members pursuant to the Bear Lake Storage Water Delivery Agreement between Claimant and PacifiCorp dated April 7, 2005. Claimant's members, as holders of individual storage water contracts with PacifiCorp, may file adjudication claims individually to preserve their interest in Bear Lake storage. In addition, or alternatively, Claimant may file an adjudication claim on behalf of its members collectively pursuant to the Bear Lake Storage Water Delivery Agreement.

Claimant and/or its members claim equitable title to storage in Bear Lake in accordance with *U.S. v. Pioneer Irrigation District*, 144 Idaho 106 (2007). Based on that decision, PacifiCorp holds nominal legal title and Claimant and/or its members hold equitable title to storage water in Bear Lake. Claimant anticipates that PacifiCorp will file claims in the BRBA to Bear Lake storage and will be the named owner of the storage water right in Bear Lake, and that the equitable title of Claimant and/or its members will be memorialized with a condition on PacifiCorp's partial decree as prescribed in *U.S. v. Pioneer Irrigation District*.

If Claimant's and/or its members' interest is memorialized with a proper condition, it will be unnecessary for Claimant and/or its members to file a separate claim to a storage water right in Bear Lake. PacifiCorp has obtain an extension to July 31, 2025, to file its adjudication claims for storage water in Bear Lake. Claimant will need to review PacifiCorp's claims in order to determine whether it is necessary for Claimant and/or its members to file separate claims to storage in Bear Lake. Therefore, Claimant requests, pursuant to Idaho Code Section 42-1409(8), that the time for filing Claimant and/or its members to file a notice of claim for storage water in Bear Lake be extended to October 31, 2025.