

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

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 (BRSI) () 435-770-1920
Name of Claimant Phone Number
66 East 600 North Larsen7w@icloud.com
Mailing Address E-mail Address
Wellsville Utah 84339
City State Zip
Cache County Utah December 8, 2023
County(ies) where place of use is located Date claim originally due
Individual members hold 178 different water rights
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 March 31, 2025, 20____

Jerry Munk 22 November, 2023
Signature Date of request
President
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

Attachment to Request for Extension of Time to File Adjudication Claims

Claimant owns irrigated farmland, or is a canal company that serves irrigated farmland, in the Bear River Basin. Claimant owns storage water in Bear Lake that it applies to beneficial use for irrigation purposes. The Bear River Basin Adjudication (BRBA) Court has issued a Commencement Notice for Basin 11, mailing Group 2, which encompasses Bear Lake.

Claimant claims 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 holds 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 Claimant's equitable title will be memorialized with a condition on PacifiCorp's partial decree as prescribed in *U.S. v. Pioneer Irrigation District*.

If Claimant's interest is memorialized with a condition on PacifiCorp's partial decrees, it seems unnecessary for Claimant to file a separate claim to a storage water right in Bear Lake. Claimant is currently working with PacifiCorp in an effort to ensure that the claim to a Bear Lake storage right filed by PacifiCorp properly recognizes Claimant's equitable title to Bear Lake storage. Claimant anticipates that these discussions will not be completed by the December 8, 2023, claim deadline for Basin 11, mailing Group 2.

In the event PacifiCorp files one or more water right claims for Bear Lake storage that do not acknowledge, to the satisfaction of Claimant, its equitable title in Bear Lake storage, Claimant may need to file its own claim for storage in Bear Lake.

If Claimant is required to file its own claim, the filing fee under Idaho Code 42-1414(1)(b)(i) will be calculated based on Claimant's irrigated acres. The BRBA Court has not yet filed a commencement notice for the place of use of Claimant's water rights, and Claimant has not completed an accounting of its irrigated acreage.

Claimant understands that PacifiCorp has obtained an extension to December 31, 2024, to file its claims to storage water Bear Lake. Claimant will need to review PacifiCorp's claims in order to determine whether it is necessary for Claimant 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's notice of claim for storage water in Bear Lake be extended to March 31, 2025.