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ISB # 2207

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. 92-00021
)	
)	MOTION FOR ORDER OF
Case No. 39576)	INTERIM ADMINISTRATION OF WATER RIGHTS
)	IN BASIN 45 AND NOTICE OF HEARING
)	
)	
_____)	

The State of Idaho moves this Court for an order of interim administration of water rights¹ in Snake River Basin Adjudication for Basin 45, pursuant to Idaho Code § 42-1417, in accordance with the Director's Reports for Snake River Basin Adjudication Basin 45 filed with the Court and partial decrees that supersede the Director's Reports. The grounds for this motion are as follows:

1. Idaho Code § 42-1417 provides that the district court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in

¹ This motion does not seek authorization for interim administration of domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

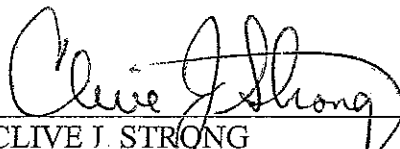
accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the district court may enter the order after notice and hearing, if the district court determines that interim administration of water rights is reasonably necessary to protect senior water rights.

2. Interim administration of water rights in Basin 45 is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in this basin does not exist. The establishment of a water district for this basin will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
3. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 45 by mailed notice.

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in Basin 45 in accordance with the Director's Report for this Basin and the partial decrees that supersede the Director's Reports. The *Affidavit Of Timothy J. Luke In Support Of Motion For Order Of Interim Administration* and a brief in support of this motion are submitted herewith. Oral argument on this motion is requested.

DATED this 15th day of April 2005.

LAWRENCE G. WARDEN
ATTORNEY GENERAL

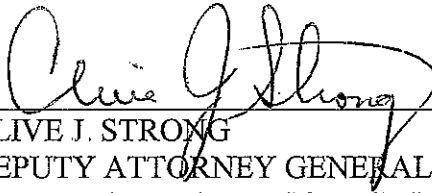

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NOTICE OF HEARING

Notice is hereby given that the motion for interim administration for Basin 45 will be heard on the **21st day of July 2005 at 1:30 pm** at the SRBA District Court, 253 3rd Avenue North in Twin Falls, Idaho.

DATED this 15th day of April, 2005.

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