Movant: State of Idaho

ALAN G. LANCE
ATTORNEY GENERAL

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

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690
dbarber@ag.state.id.us

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
	)	
Case No. 39576	)	**MOTION FOR ORDER OF**
	)	**INTERIM ADMINISTRATION**
	)	**AND NOTICE OF HEARING**
	)	

The State of Idaho moves this Court for an order of interim administration of water rights[1] in Snake River Basin Adjudication Reporting Area 16, Basin 37 Part 1 Ground Water,

[1] The State of Idaho previously filed a motion for interim administration for Basins 35, 36, 41 and 43. The Court authorized interim administration for these Basins on January 8, 2002. 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).

pursuant to Idaho Code § 42-1417, in accordance with the most current Director's Report for Snake River Basin Adjudication Reporting Area 16, Basin 37, Part 1 Ground Water, filed with the Court, or in accordance with partial decrees that will supersede the Director's Report. 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 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 37, Part 1 Ground Water, is reasonably necessary because the available water supply is currently not adequate to satisfy some senior priority water rights and is projected, in the future, to be insufficient, at times, to satisfy these water rights.

3. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 37, Part 1 Ground Water, by mailed notice.

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in Basin 37, Part 1 Ground Water, in accordance with the most current Director's Report for this Basin, or in accordance with partial decrees that will supersede the Director's Report. The Affidavit of Timothy J. Luke Dated August 30, 2002 and a brief in support of this motion are submitted herewith. Oral argument on this motion is requested.

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NOTICE OF HEARING

Notice is hereby given that the motion for interim administration for Basin 37, Part 1 Ground Water, will be heard on November 19, 2002, at 1:30 p.m. at the SRBA courthouse in Twin Falls, Idaho.

DATED this 30th day of August 2002.

ALAN G. LANCE
Attorney General

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

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division