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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. 92-00021-73
)	
)	
Case No. 39576)	MOTION FOR ORDER OF
)	INTERIM ADMINISTRATION OF WATER
)	RIGHTS IN BASIN 73 AND REQUEST FOR
)	EXPEDITED HEARING
_____)	

The State of Idaho moves this Court for an order of interim administration of water rights¹ in Snake River Basin Adjudication for Basin 73, pursuant to Idaho Code § 42-1417, and to paragraph 2(b)(1) of the *Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees*, Consolidated Subcase No. 75-13316 Wild & Scenic Rivers Act Claims, in accordance with the Director's Reports for Snake River Basin Adjudication Basin 73

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).

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 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 73 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 or enlargement of water districts 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 73 by mailed notice.

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in Basin 73 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. The State respectfully requests an expedited hearing on this motion.

RESPECTFULLY SUBMITTED this 19th day of April, 2010.

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