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Department of Water Resources

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FILED
TWIN FALLS CO., IDAHO
I-SRBA

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

Case No. 39576

)
) Subcase 43-10356
) (Jones)
)
) ORDER SETTING HEARING ON
) PROCEDURAL ISSUE OF NOTICE

On December 5, 2002, objectors Roscoe Ward, Nolan Branch, Olene Warr and Rodney Hall filed a *Joint Motion for Interim Administrative Order* seeking interim administration of subcase 43-10356 claimed by William D. Jones and William D. Jones and Son. The objectors want the water right administered "as a part of Water District 43B and requiring the claimants to follow the laws of the State of Idaho and limiting the usage of this claim to that which has been recommended by the Department of Water Resources." On January 10, 2003, the claimants filed their *Objection to Joint Motion for Interim Administration*.

On January 22, 2003, the Special Master wrote a letter to the objectors outlining the requirements of I.C. § 42-1417, one of which is that the moving party must mail notice to "each claimant of water from the system or portion thereof that could reasonably be determined to be adversely affected by entry of the order [of interim administration]." I.C. § 42-1417 (2) (b). The letter suggested that IDWR was the appropriate to determine those claimants who might be adversely affected.

On January 27, 2003, the objectors filed a *Reply to Claimants Objection to Joint Motion for Interim Administration*, along with a *Notice to Submit for a Decision*. The objectors also lodged a proposed *Order*. Nothing in the objectors' *Reply* indicates they requested that IDWR identify claimants of water from the Raft River and Almo Creek who might be adversely affected by an order of interim administration.

THEREFORE, IT IS ORDERED that a hearing on the procedural issue of identifying all claimants of water from the Raft River and Almo Creek who might be adversely affected by an order of interim administration will be held before the Special Master on **Tuesday, February 11, 2003, at 1:30 p.m.** at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

Whether such an order *should* be recommended to the Presiding Judge of the SRBA will be addressed later after proper notice is given and a factual hearing is held.

IDWR is requested to appear at the hearing and identify all claimants of water from the Raft River and Almo Creek who might be adversely affected by the order of interim administration requested by the objectors.

DATED January 28, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING ON PROCEDURAL ISSUE OF NOTICE was mailed on January 28, 2003, with sufficient first-class postage to the following:

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