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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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) Subcases 36-10033, *et al.*
) (see list of 14 subcases attached)
Case No. 39576) (Salmon Falls Land & Livestock, *et al.*)
)
) ORDER SETTING DEADLINE
) TO FILE OBJECTIONS

On December 3, 2003, the Director of the Idaho Department of Water Resources filed an *Amended Director's Report* for the above 14 enlargement claims and for each claim, he recommended inclusion of the following subordination language under the priority date element:

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to section 42-1426, Idaho Code, the earlier priority date is the superior right.

In order to move the subcases forward to resolve the *Motion to Alter or Amend* filed by the claimants on January 27, 2003, and the *Motion to Alter or Amend* filed by certain respondents on February 26, 2003, while recognizing the claimants' intent to challenge the Special Master's *Order on Motions for Summary Judgment*, dated September 11, 1998, concerning inclusion of such subordination language,

THEREFORE, IT IS ORDERED that the parties must notify the SRBA Court in writing no later than **Friday, January 23, 2004**, if they object to any element recommended in the *Amended Director's Report* for the above 14 enlargement claims, other than the Director's recommendation that the enlargement claims be decreed with the subordination language. If no party files such an objection, the Special Master intends to grant the respondents' *Motion to Alter or Amend* and enter an amended report and recommendation with the subordination language included.

DATED December 18, 2003.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

36-10033 (Salmon Falls Land & Livestock)
36-10035 (")
36-10037 (")
36-10090 (North Ridge, LLC)
36-10863A (Owyhee Ranches, Inc.)
36-11643 (W.H. and Velva Moller)
36-14807 – split (disallow)
 36-16123 (Marilyn and Vernon Phillips)
 36-16124 (Daniel L. Willie)
36-15152 (Roost Potato Co., Inc.)
36-15264A (Blaine Cook, Bruce and Rebecca Hunsaker & Deon Cook)
36-15264B (")
36-15356 – split (disallow)
 36-15356A (Kent and Jack Harman)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINE TO FILE OBJECTIONS was mailed on December 18, 2003, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

DALE H. KLINGLER
NORTH RIDGE LLC
ROSS HUNSAKER
SAM C. LARGE
SAMUEL & MARGARET LARGE

Represented by:
DAVID F. SHIRLEY
137 WEST 13TH STREET
PO BOX 910
BURLEY, ID 83318
Phone: 208-678-8382

ABERDEEN-AMERICAN FALLS GROUND
BINGAHM GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
JOINT RESPONSE
MACK NEIBAUR
MACK NEIBUAR
MAGIC VALLEY GROUND WATER DIST
RALPH E BREDING
TIM DEEG

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DALE H. KLINGLER
JACK AND KENT HARMAN
JACK HARMAN
KENT HARMAN
ROOST POTATO CO.
SALMON FALLS LAND & LIVESTOCK
SALMON FALLS LAND AND LIVESTOC
VERNON & MARILYN PHILLIPS
W.H. AND VELVA MOLLER

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

BLAINE COOK
OWYHEE RANCHES INC
C/O STEVE YOUNG
PO BOX 707
RUPERT, ID 83350

ROOST POTATO CO. INC.
CALVIN JONES, PRESIDENT
952 SOUTH 1400 EAST
EDEN, ID 83325
Phone: 208-420-2921

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

VERNON C & MARILYN L PHILLIPS
RT 1 BOX 1222
PAUL, ID 83347
Phone: 208-438-5906

DANIEL L WILLIE
1017 S 1150 E
EDEN, ID 83325

MARILYN L PHILLIPS
VERNON C PHILLIPS
282 N 750 W
PAUL, ID 83347

(Certificate of mailing continued)

JACK HARMAN
461A E 1500 N
RUPERT, ID 83350

BRUCE HUNSAKER
DEON COOK
REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318
Phone: 208-678-0327

W H & VELVA MOLLER
824 6TH ST
RUPERT, ID 83350
Phone: 208-436-3333