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Department of Water Resources

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TWIN FALLS CO., IDAHO

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 43-10363 (late claims 43-00303 and
Case No. 39576) 43-00304)
(Lovingfoss)
)
) ORDER FOR EARLY DIRECTOR'S
) REPORTS ON LATE CLAIMS

Loa and Lyle Nelson filed a *Notice of Claim to a Water Right* on June 6, 1989, claiming 1.4 cfs from the Raft River to irrigate 260 acres in Cassia County from March 15 to November 15 with a priority date of April 1, 1882, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended claim 43-10363 to Walter and Delia Lovingfoss, HC 61, Box 1020, Malta, Idaho 83342 as filed, but for irrigation of 249 acres within a 259 acre place of use with a priority date of April 1, 1886. The Director also noted: "This right is a combination of old right nos. 43-00303, & 43-00304."

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. The Lovingfosses and the United States filed a *Standard Form 5* on August 14, 2002, agreeing to .46 cfs and on August 15, 2002, the Special Master entered a *Special Master Report and Recommendation* recommending that claim 43-10363 be adjudicated as agreed.

However, on August 19, 2002, the Lovingfosses filed a motion to alter or amend 43-10363 because they agreed to the wrong amount (cfs) which should have been 1.4 cfs instead of .46 cfs. They also filed *Motions to File Late Notices of Claims* in subcases 43-00303 and 43-00304 which were granted by Presiding Judge Roger Burdick on November 21, 2002. It is now apparent that claim 43-10363 cannot be resolved until the Lovingfoss' late claims (43-00303 and 43-00304) are reported by the Director and resolved at the same time.

THEREFORE, IT IS ORDERED that:

1. IDWR shall investigate and report the Lovingfoss' late claims 43-00303 and 43-00304 no later than May 30, 2003; and
2. Objections to the Director's reports for the late claims shall be filed with the SRBA Court no later than July 30, 2003.

DATED March 10, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER FOR
EARLY DIRECTORS REPORTS ON LATE CLAIMS was mailed on March 10,
2003, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

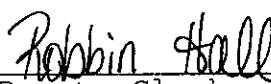
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WALTER JEAN LOVINGFOSS
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ORDER

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Deputy Clerk