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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
DEPARTMENT OF
WATER RESOURCES
FILED _____
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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) Subcases 51-02002, *et al.* [Exhibit A]
Case No. 39576) (Riddle Ranches / Jackson)
) and
) Subcases 51-12756, *et al.* [Exhibit B]
) Subcases 51-12604, *et al.* [Exhibit C]
) (US / Shoshone-Paiute Tribes)
)
) ORDER SETTING EXPEDITED
) HEARING ON STATUS OF CLAIMS
) 51-12847, 51-12848, 55-13668 & 55-
) 13669

The status of the above four non-consumptive, instream flow claims filed by United States, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation has recently come to the attention of the Court. Specifically, are the four claims properly before the Court? A history of the claims may help the parties understand the scope of the issues.

The above four claim numbers (51-12847, 51-12848, 55-13668 and 55-13669) first came before the Court in the United States' *Motion to File Amended Notice of Claim* filed February 27, 1998. The title of the *Motion* included seven claim numbers 51-12756, 51-12761 (later withdrawn), 55-13476, 55-13477, 55-13485, 55-13486 and 55-13487. None of the above four claim numbers were included in that list. However, the United States attached to its *Motion* four *Notices of Claims* bearing the numbers 51-12847, 51-12848, 55-13668 and 55-13669 and each *Notice* was marked "Amended." The record does not explain why the claims were marked "Amended" when there is no earlier record of the claims ever having been filed.

Former Presiding Judge Daniel C. Hurlbutt, Jr., heard the United States' *Motion* on May 19, 1998, during a regular monthly status conference. On that same date, Judge Hurlbutt entered an *Order Granting Leave to Amend Claims* stating that since there were no objections to the

Motion, "The court finds good cause to GRANT the United States leave to amend the claims in the above consolidated subcase [subcase no. 51-12756]."

The Special Master has reviewed the tape recorded transcript of the May 19, 1998 status conference. When Judge Hurlbutt asked Peter C. Monson, counsel for the United States, whether he had anything to add to the United States' *Motion* to amend the seven listed claims, he responded:

I would note that the amendments affect six claims all of them either lake level maintenance claims or instream flow claims within the boundaries of the Duck Valley Indian Reservation and there is also one withdrawal. One claim that we're withdrawing with these papers.

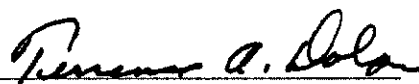
IDWR has searched its records and found no claim numbers 51-12847, 51-12848, 55-13668 and 55-13669. For that reason, it has not abstracted nor reported such claims to the Court. Hence, the Court's record indicates that the above four claims are not properly before the Court.

If the United States wishes to pursue the above four claims, a number of issues must be resolved, specifically:

1. Were the late claims granted or must the United States file motions to file late claims to be heard on an expedited basis, followed by an expedited deadline for IDWR to abstract and report the claims to the Court, followed by appropriate objections and response periods?
2. If the late claims were actually granted by Judge Hurlbutt and IDWR is later requested to abstract and report the claims on an expedited basis, what would be reasonable objection and response periods?
3. Can any of these issues be resolved by consent of the current parties?
4. Will the current trial schedule have to be amended further?¹

THEREFORE, IT IS ORDERED that a hearing on the status of claims 51-12847, 51-12848, 55-13668 and 55-13669 will be held on **Thursday, January 20, 2005, 10:30 a.m.** Parties may participate by telephone conference call.

DATED January 11, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ Trial is set to begin November 8, 2005, at the SRBA Courthouse in Twin Falls, Idaho.

EXHIBIT A (Subcases 51-02002, *et al.*)

Riddle Ranches, Inc. / Nancy and Peter Jackson

51-02002

51-10293

55-02009

55-02016

55-02032

55-02035

55-02039

55-02063

55-02064

55-02076

55-02080

55-02129

55-02131

55-02169

55-02174

55-02175

55-02181

55-02210

55-02211

55-02435

55-07002

55-07009

55-13479

55-13480

EXHIBIT B (Subcases 51-12756, *et al.*)

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Non-Consumptive, Instream Flow Claims

51-12756

51-12847

51-12848

55-13476

55-13477

55-13485

55-13486

55-13487

55-13668

55-13669

EXHIBIT C (Subcases 51-12604, *et al.*)

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Consumptive Claims

51-12604	51-12799	51-12880	55-13530	55-13566	55-13602
51-12605	51-12800	51-12881	55-13531	55-13567	55-13608
51-12606	51-12801	51-12882	55-13532	55-13568	55-13609
51-12607	51-12802	51-12883	55-13533	55-13569	55-13610
51-12767	51-12803	51-12899*	55-13534	55-13570	55-13611
51-12768	51-12849	-----	55-13535	55-13571	55-13612
51-12769	51-12850	55-13491	55-13536	55-13572	55-13613
51-12770	51-12851	55-13492	55-13537	55-13573	55-13614
51-12771	51-12852	55-13493	55-13538	55-13574	55-13615
51-12772	51-12853	55-13494	55-13539	55-13575	55-13616
51-12773	51-12854	55-13495	55-13540	55-13576	55-13617
51-12774	51-12855	55-13496	55-13541	55-13577	55-13618
51-12775	51-12856	55-13499	55-13542	55-13578	55-13619
51-12776	51-12857	55-13500	55-13543	55-13579	55-13620
51-12777	51-12858	55-13501	55-13544	55-13580	55-13621
51-12778	51-12859	55-13506	55-13545	55-13581	55-13622
51-12779	51-12860	55-13507	55-13546	55-13582	55-13623
51-12780	51-12861	55-13508	55-13547	55-13583	55-13624
51-12781	51-12862	55-13509	55-13548	55-13584	55-13625
51-12782	51-12863	55-13510	55-13549	55-13585	55-13626
51-12783	51-12864	55-13511	55-13550	55-13586	55-13627
51-12784	51-12865	55-13512	55-13551	55-13587	55-13628
51-12785	51-12866	55-13514	55-13552	55-13588	55-13629
51-12786	51-12867	55-13515	55-13553	55-13589	55-13630
51-12787	51-12868	55-13518	55-13554	55-13590	55-13631
51-12788	51-12869	55-13519	55-13555	55-13591	55-13632
51-12789	51-12870	55-13520	55-13556	55-13592	55-13633
51-12790	51-12871	55-13521	55-13557	55-13593	55-13634
51-12791	51-12872	55-13522	55-13558	55-13594	55-13635
51-12792	51-12873	55-13523	55-13559	55-13595	55-13636
51-12793	51-12874	55-13524	55-13560	55-13596	55-13637
51-12794	51-12875	55-13525	55-13561	55-13597	55-13638
51-12795	51-12876	55-13526	55-13562	55-13598	55-13639
51-12796	51-12877	55-13527	55-13563	55-13599	55-13640
51-12797	51-12878	55-13528	55-13564	55-13600	55-13641
51-12798	51-12879	55-13529	55-13565	55-13601	55-13642

55-13643	55-13718	55-13757	55-13796
55-13644	55-13719	55-13758	55-13797
55-13645	55-13720	55-13759	55-13798
55-13646	55-13721	55-13760	55-13799
55-13647	55-13722	55-13761	55-13800
55-13648	55-13723	55-13762	55-13801
55-13649	55-13724	55-13763	55-13802
55-13650	55-13725	55-13764	55-13803
55-13651	55-13726	55-13765	55-13804
55-13652	55-13727	55-13766	55-13805
55-13653	55-13728	55-13767	55-13806
55-13654	55-13729	55-13768	55-13807
55-13691	55-13730	55-13769	55-13808
55-13692	55-13731	55-13770	55-13809
55-13693	55-13732	55-13771	55-13810
55-13694	55-13733	55-13772	55-13811
55-13695	55-13734	55-13773	55-13812
55-13696	55-13735	55-13774	55-13813
55-13697	55-13736	55-13775	55-13814
55-13698	55-13737	55-13776	55-13815
55-13699	55-13738	55-13777	55-13816
55-13700	55-13739	55-13778	55-13817
55-13701	55-13740	55-13779	55-13818
55-13702	55-13741	55-13780	55-13819
55-13703	55-13742	55-13781	55-13820
55-13704	55-13743	55-13782	55-13822*
55-13705	55-13744	55-13783	
55-13706	55-13745	55-13784	
55-13707	55-13746	55-13785	
55-13708	55-13747	55-13786	
55-13709	55-13748	55-13787	
55-13710	55-13749	55-13788	
55-13711	55-13750	55-13789	
55-13712	55-13751	55-13790	
55-13713	55-13752	55-13791	
55-13714	55-13753	55-13792	
55-13715	55-13754	55-13793	
55-13716	55-13755	55-13794	
55-13717	55-13756	55-13795	

* Subcases 51-12899 and 55-13822 were added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcases are not claims, but merely subcases created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55), Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING EXPEDITED HEARING ON STATUS OF CLAIMS** was faxed and mailed on January 11, 2005, with sufficient first-class postage to the following:

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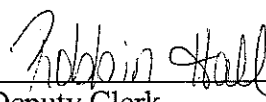
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