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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 45-2594A
Case No. 39576) (Howard R. Adams & Sons, Inc.)
)
) ORDER GRANTING MOTION FOR
) LEAVE
) TO FILE LATE OBJECTION and
) ORDER SETTING DEADLINE

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended claim 45-2594A to Howard R. Adams & Sons, Inc., 496 West, 1000 South, Burley, Idaho, 83318, for 1.16 cfs from ground water to irrigate 210 acres in Cassia County from March 15 to November 15 with a priority date of December 11, 1959, based on a license. IDWR then filed a *Notice of Completed Administrative Proceeding* on January 7, 2005, for a change in point of diversion in 45-02594A, plus nine other claims.

Adams & Sons filed a *Motion for Leave to File Late Objection* in subcase 45-2594A on April 8, 2005, because "documents have recently been discovered which will establish that Water Right No. 45-02594 should not have been split." An *Objection* lodged with the *Motion* alleged the quantity "should be 3.24 cfs, a combined diversion rate with Water Right No. 45-10365 of 4.37 cfs, and a combined diversion rate for these rights and Water Right Nos. 45-2377C, 45-2392, 45-2504, 45-2605, 45-4041 and 45-7439A of 21.34 cfs." Adams & Sons also alleged the place of use "should be 187 acres within the 210 acres described as the place of use under this right and 45-10365, and the 430 acres described in Water Right Nos. 45-2411 and 45-2412."

A hearing on the *Motion* was held by telephone on May 5, 2005. Roger D. Ling appeared for Adams & Sons and Chris M. Bromley appeared for IDWR. No one opposed the *Motion* and

neither the instant claim nor related claims have been decreed. Good cause was shown for filing of the late objection.

THEREFORE, IT IS ORDERED that:

1. The Howard R. Adams & Sons' *Motion for Leave to File Late Objection* in subcase 45-2594A is **granted**; and
2. IDWR shall file with the SRBA Court no later than **Friday, May 27, 2005**, an amended director's report in subcase 45-2594A for publication in the June, 2005 SRBA Docket Sheet.

DATED May 6, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR LEAVE TO FILE LATE OBJECTION AND ORDER SETTING DEADLINE was mailed on May 06, 2005, with sufficient first-class postage to the following:

HOWARD R ADAMS & SONS INC

Represented by:

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RUPERT, ID 83350

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DIRECTOR OF IDWR

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