

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2005 JUL 15 PM 3 27

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 45-4127 and 45-4128
	)	(Mullen)
Case No. 39576	)	
	)	ORDER GRANTING MOTIONS TO
	)	FILE AMENDED NOTICES OF CLAIMS
	)	AND SETTING DEADLINES AND STATUS
	)	CONFERENCE

Background

45-4127

Karen and James Mullen, 920 West, 2000 South, Oakley, Idaho, 83346, filed a *Notice of Claim to a Water Right* under 45-4127 on May 26, 1989, claiming .74 cfs from Blankenship Spring for year-'round domestic, stock and irrigation storage uses and to irrigate 71 acres in Cassia County from March 15 to November 15 with a priority date of January 1, 1892, based on beneficial use. 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 the claim for .03 cfs for year-'round domestic and irrigation storage uses and for stockwater and irrigation from storage covering 10 acres from March 15 to November 15.

The Mullens filed an *Objection* on December 7, 2004, objecting to quantity, priority date and place of use. The same date, they filed a *Motion to File Amended Notice of Claim* to increase the claimed acreage. The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on January 7, 2005 objecting to place of use.

45-4128

The Mullens filed *Notice of Claim to a Water Right* under 45-4128 on May 26, 1989, claiming .8 cfs from Gillespie Spring for year-'round stockwater and irrigation storage uses and to irrigate 71 acres in Cassia County from March 15 to November 15 with a priority date of

January 1, 1892, based on beneficial use. The Director recommended .03 cfs to irrigate 10 acres with a priority date of June 15, 1944.

The Mullens filed an *Objection* on December 7, 2004, objecting to quantity, priority date and place of use. The same date, they filed *Motion to File Amended Notice of Claim* to increase the claimed acreage.

Hearing

An initial hearing and a hearing on the Mullens' *Motions to File Amended Notices of Claims* were held on July 12, 2005, in Twin Falls, Idaho. James Mullen appeared *pro se*; Larry A. Brown appeared for the United States; and Candice M. McHugh appeared for IDWR. No one opposed the Mullens' *Motions*.

THEREFORE, IT IS ORDERED that:

1. The Mullens' *Motions to File Amended Notices of Claims* in subcases 45-4127 and 45-4128 are **granted**;
2. IDWR shall file director's reports on amended claims 45-4127 and 45-4128 no later than **Friday, September 30, 2005**;
3. Objections to the director's reports shall be filed with the SRBA Court no later than **Thursday, November 10, 2005**; and
4. A status conference shall be held on **Thursday, February 2, 2006, 1:30 p.m.**, at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.

DATED July 15, 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
MOTIONS TO FILE AMENDED CLAIMS & SETTING DEADLINES AND STATUS
CONFERENCE was mailed on July 15, 2005, with sufficient first-class
postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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