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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	)	Water Right Claim: 65-22967 & 65-22969
	)	
Case No. 39576	)	NOTICE CONTINUING HEARING
	)	ON MOTION TO FILE LATE
	)	NOTICE OF CLAIM

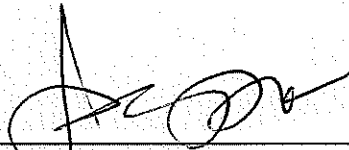
On October 26, 2005 Jack E. Childress, by and through his Counsel Scott L. Campbell, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. A hearing on the *Motions* was held on December 20, 2005, and Counsel for the Claimant appeared.

At the hearing, the Court raised several concerns about these late claims in order to determine prejudice to other parties and the merit of the late claims. These concerns are:

- 1) What were the elements decreed by the underlying water rights 65-3194 and 65-3201, and what is the current status of those rights? Were those rights decreed in the Payette Adjudication?
- 2) How much water, if any, is unclaimed under those two former decrees? How many other claimants have claimed water under those decrees?
- 3) Also, although it is not necessary to determine whether the *Motion* should be granted, the Court notes that these two claims may be subject to Basin 65 General Provision 3 (separate administration). The Court is currently in the process of decreeing General Provisions, *see Notice of Court's Intent to Issue Order of Partial Decree for General Provisions in Basin 65* (July 7, 2005). Therefore, are these two claims subject to separate administration, and, if so, what effect would that have on the Court's future entry of a Decree for General Provisions in Basin 65?

Because the Court wishes to allow the claimant and I.D.W.R to address these concerns before the *Motion* is ruled on, the matter is therefore continued to **January 17, 2006, at 1:30 p.m. (MST), at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

Dated December 29, 2005.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CONTINUING HEARING ON MOTION TO FILE LATE NOTICES OF CLAIM was mailed on December 30, 2005, with sufficient first-class postage to the following:

JACK E CHILDRESS

Represented by:

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