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DEPARTMENT OF
WATER RESOURCES

TWIN FALLS CO. IDAHO
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) Subcase 63-04626
)
Case No. 39576) ORDER GRANTING OBJECTION AND
) REQUIRING OBJECTOR TO PROPOSE
) REMARK
)
_____)

On April 21, 2006, the Nampa and Meridian Irrigation District (NMID), by and through its attorney Bryce Farris of Ringert Clark Chartered, filed an objection to the *Director's Report* in the above-captioned subcase. The objection seeks a remark to be placed under the "source" element of any partial decree that may be issued that identifies the source of water as wastewater or seepage from the NMID, and as such any water rights derived from this source are subject to NMID's right to recapture said water, cease wasting it or to change the place and manner of use.

An initial hearing on the objection was held on December 5, 2006, at which the claimants failed to appear. An ***Order to Show Cause*** was issued, and a hearing thereon was held on January 9, 2007. Again, the claimants failed to appear. Accordingly, and pursuant to the terms of the ***Order to Show Cause***, the objection is hereby **granted**.

Because the NMID is involved in a number of other subcases dealing with this same issue, and because of this Special Master's preference to have uniformity in any "source" remark that may ultimately become part of a partial decree for this and other water rights, the following are **hereby ordered**:

1. On or before **April 30, 2007**, the NMID shall either propose language for the subject remark; or in the alternative shall file a status report explaining why more time is needed to propose said language.

2. Any language submitted shall either bear the concurrence of IDWR, or contain a statement as to why IDWR does not concur. Should IDWR not concur with the proposed language, the matter will be set for hearing.

Dated January 10, 2007

A handwritten signature in dark ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING OBJECTION AND REQUIRING OBJECTOR TO PROPOSE REMARK was mailed on January 10, 2007, with sufficient first-class postage to the following:

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ORDER

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