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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 ) Subcases 75-2118, 75-14459 and 75-14460  
Case No. 39576 ) (Antelope Hills Homeowners Association)  
 )  
 ) SPECIAL MASTER REPORT  
 ) AND RECOMMENDATION

**Findings of Fact**

**Motion to File Late Claim**

Elizabeth Rieffenberger, secretary of the Antelope Hills Homeowners Association, filed a *Motion to File Late Notice of Claim* in the above three subcases on April 27, 2007, alleging:

The current property owners in Antelope Hills Subdivision did not own these properties when claims were submitted to the SRBA. The previous owners did not properly file water right claims.

Ms. Rieffenberger attached to the *Motion* a two page letter further explaining how the irrigation water rights appurtenant to the homeowners' properties were not properly filed in the SRBA. Attached to the letter were signatures of nine homeowners agreeing to have "our water rights associated with these Late Claims held in the name of the Antelope Hills Homeowners Association."

**Order of Reference**

On July 18, 2007, the Presiding Judge of the SRBA entered an *Order of Reference Appointing Terrence Dolan Special Master for Further Proceedings on Motion to File Late Claim* after first finding that the Association had demonstrated good cause for filing the late claims. The Judge then raised the issue of potential prejudice to other parties because Basin 75 claims were reported on January 11, 2007:

A new late claim on a fully decreed source potentially puts parties with rights on the same source in the position of re-litigating issues that have already been decided or settled through negotiations, or in the position of addressing new issues that should have been properly raised at the time the source of the subject claim was initially reported and litigated [emphasis added].<sup>1</sup>

### Hearing

A hearing on the Association's *Motion to File Late Notice of Claim* was held on August 16, 2007. Paul L. Arrington appeared for the Association, along with Ms. Rieffenberger, and Garrick Baxter appeared for IDWR. Mr. Arrington pointed out that there has been no opposition to the *Motion* and there will be no prejudice or injury to other users because the claims are for no more water than has been historically beneficially used. Mr. Baxter agreed there will be no injury and the late claims will simply correct errors in allocating water among the homeowners and account for changes in land ownership.

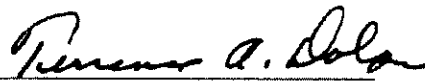
### Conclusions of Law

There is no evidence that the late claims will result in prejudice to other parties on the same water source.

### Recommendation

THEREFORE, IT IS RECOMMENDED that the Antelope Hills Homeowners Association's *Motion to File Late Notice of Claim* in subcases 75-2118, 75-14459 and 75-14460 be **granted**.

DATED August 29, 2007.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

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<sup>1</sup> Only stock and domestic water rights in Basin 75 have been partially decreed in the SRBA. The objection deadline for irrigation and other claims, such as these late claims, is October 17, 2007.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on August 29, 2007, with sufficient first-class postage to the following:

ANTELOPE HILLS HOMEOWNERS ASSN

Represented by:

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