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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

2007 SEP 5 PM 3:44

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

Case No. 39576

) Subcase No.: 63-03618
)
) ORDER CONDITIONALLY JOINING
) ADA COUNTY AS PARTY AND
) GRANTING MOTION TO
) PARTICIPATE
)

This matter came before the Court pursuant to a *Motion to Participate* filed through counsel, on August 23, 2007. A hearing was held on the *Motion* on September 4, 2007. At the hearing, an objection to Ada County's participation was raised regarding Ada County's standing to participate in the subcase. After reviewing the file and considering the arguments of counsel in open court, the Court makes the following findings and conclusions:

1. At present, Ada County is not a party to the adjudication as defined by **SRBA Administrative Order 1** (Oct.1997) 2.q. and Idaho Code 42-1401A (1) and (6).
2. Ada County has licensed water rights located within the geographic boundaries of the SRBA. The priority dates for these rights all post date the commencement of the SRBA and therefore the filing of the claims in the SRBA was not required. The licensed rights include 63-10754, 63-10756, 63-10757 and 63-10758.
3. The Court in the past has granted party status to parties whose standing solely relies on a pending late claim. The Court has also joined parties with a post-commencement date licensed water right conditioned on the filing of a *Motion to File Late Notice of Claim* for the right.
4. Other than standing based on party status, no other objections were raised to Ada County's *Motion*.

5. Ada County has interests that are not adequately represented by the original parties to the subcase.

6. Because the Court amended the scheduling order and the subcase is still at an early stage, no undue burden, delay or prejudice will result to the original parties.

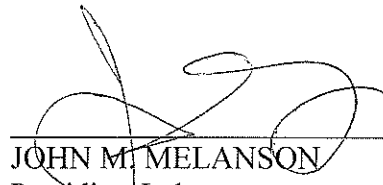
THEREFORE, the following are hereby ordered:

1. Pursuant to I.R.C.P. 19(a)(1) and Idaho Code 42-1401A, Ada County is joined as a party conditioned on its seeking leave of Court to file a late claim on one or more of its licensed rights, within thirty (30) days of the filing of this order. Failure to file will result in Ada County being removed as a party.

2. Pursuant to *SRBA Administrative Order 1* (Oct. 1997) 10.k and I.R.C.P. 24(a) and (b), Ada County's *Motion to Participate* is granted.

IT IS SO ORDERED.

DATED: September 5th, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL JOINING ADA COUT AS PARTY AND GRANTING MOTION TO PARTICIPATE was mailed on September 05, 2007, with sufficient first-class postage to the following:

BOISE PROJECT BOARD OF CONTROL

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BALLANTYNE DITCH COMPANY LTD
BOISE VALLEY IRRIGATION DITCH
EAGLE ISLAND WATER USERS ASSN
EUREKA WATER COMPANY
NAMPA & MERIDIAN IRRIGATION
NEW DRY CREEK DITCH COMPANY
SOUTH BOISE WATER COMPANY
THURMAN MILL DITCH CO

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

CANYON COUNTY WATER COMPANY
FARMERS UNION DITCH COMPANY
MIDDLETON IRRIGATION ASSN
MIDDLETON MILL DITCH COMPANY

Represented by:
JERRY A. KISER
620 WEST HAYES
BOISE, ID 83702
Phone: 208-336-1020

CITY OF BOISE

Represented by:
MALMEN, ERIKA E
251 EAST FRONT ST STE 400
BOISE, ID 83702-7310
Phone: 208-343-3434

STATE OF IDAHO, DEPT OF F & G

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449
ORDER

BALLANTYNE DITCH COMPANY LTD
BOISE VALLEY IRRIGATION DITCH
EAGLE ISLAND WATER USERS ASSN
EUREKA WATER COMPANY
NAMPA & MERIDIAN IRRIGATION
NEW DRY CREEK DITCH COMPANY
SOUTH BOISE WATER COMPANY
THURMAN MILL DITCH CO

Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

PIONEER IRRIGATION DISTRICT
SETTLERS IRRIGATION DISTRICT

Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

BOISE PROJECT BOARD OF CONTROL

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

ADA COUNTY & BOARD OF ADA

Represented by:
SUSAN D. THOMAS
DEPUTY PROSECUTING ATTORNEY
CIVIL DIVISION
200 W FRONT ST, RM 3191
BOISE, ID 83702
Phone: 208-287-7700

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

(Certificate of mailing continued)

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Handwritten signature of Julie Murphy in cursive script, positioned above the printed title 'Deputy Clerk'.