

2008 FEB 20 AM 9 56

**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 75-69A, et al.
	) (see list of 58 subcases attached)
Case No. 39576	)
	) ORDER GRANTING MOTION
	) TO FILE LATE OBJECTIONS
_____	) AND SETTING STATUS CONFERENCE

Background

On January 8, 2008, a group of claimants collectively referred to as the "Carmen Creek Users" filed a *Motion to File Late Objections* in the above 58 subcases. They also attached the *Affidavits of Albert Fols and Travis L. Thompson in Support of Carmen Creek Users' Motion to File Late Objections*.

The Carmen Creek Users and another group of 16 claimants informally termed the "Burns Group" all divert water from Carmen Creek, water originally decreed to Thomas Palmer and the Palmer Ranch in the 1902 *McNutt v Palmer* decree. The Carmen Creek Users timely objected to their own claims being recommended as disallowed and here sought to object to the Burns Group's claims.

In their *Motion*, the Carmen Creek Users wrote:

Since the Carmen Creek Users only recently became aware of how IDWR re-allocated the water from their properties to 13 of the 16 Claimants, and it was obvious that pursuing their objections to their own disallowed claims would not resolve the issues, the motion for late objections became necessary. Whereas the Carmen Creek Users originally believed they could resolve their own disallowed claims with IDWR when they filed timely objections in October 2007, it is obvious that decreeing their rights, along with the rest of the 16 Claimants' claims, would result in even more water being decreed than was originally decreed to the Palmer Ranch in 1902. This would further compound IDWR's errors.

Accordingly, the proper resolution affects all claims to these rights, not just the disallowed Carmen Creek Users' claims.

A hearing on the *Motion* was held on February 14, 2008. Travis L. Thompson appeared for the Carmen Creek Users, along with Albert Fols; Ray W. Rigby appeared for the Burns Group; David L. Negri appeared for the USDI / BLM; and Chris M. Bromley appeared for IDWR, along with Suzy Cooley-Denney.

Conclusions of Law

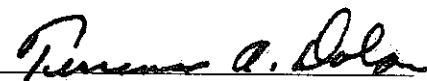
Despite strong opposition by the Burns Group, it is apparent that the Carmen Creek Users have shown good cause to file late objections in the above 58 subcases. Proceedings in Basin 75 are at an early stage and with all these claims to the same water source, all potential claimants must be allowed to participate fully to assist IDWR and the Court.

Order

THEREFORE, IT IS ORDERED that:

1. The Carmen Creek Users' *Motion to File Late Objections* in the above 58 subcases is **granted**; and
2. A status conference shall be held by telephone on **Thursday, May 29, 2008, 10:00 a.m.** Parties may participate by calling 1-225-383-1099 and entering participant code 654400.

DATED February 20, 2008.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

75-00069A 75-10137B
75-00069B 75-10678
75-00069F 75-14387
75-00069H 75-14388
75-00069K 75-14393
75-00069L 75-14441
75-00069N 75-14443
75-00069P
75-00069Q
75-00069S
75-00069W
75-00069X
75-00070A
75-00070B
75-00070F
75-00070H
75-00070K
75-00070L
75-00070N
75-00070P
75-00070Q
75-00070S
75-00070T
75-00070X
75-00070Y
75-10061A
75-10061AA
75-10061AE
75-10061AM
75-10061B
75-10061C
75-10061J
75-10061R
75-10061T
75-10061Y
75-10061Z
75-10062A
75-10062AB
75-10062AC
75-10062AL
75-10062C
75-10062H
75-10062P
75-10062R
75-10062W
75-10062X
75-10062Y
75-10136A
75-10136B
75-10137A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTIONS AND SETTING STATUS CONFERENCE was mailed on February 20, 2008, with sufficient first-class postage to the following:

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