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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
APR 17 2009
By _____ Clerk
Deputy Clerk

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 35-2019
	)	(Stieglitz)
	)	
Case No. 39576	)	ORDER GRANTING LATE OBJECTION
	)	AND STAYING RECOMMENDATION
	)	and TRIAL SCHEDULE
	)	

On December 23, 2008, the Special Master entered an *Order Vacating Trial and Special Master Report and Recommendation* recommending the claim¹ be disallowed after Jeffrey and Bridgette Stieglitz agreed to withdraw their *Objection* to IDWR's recommendation.

On January 28, 2009, Donnetta M. Nelson filed her *Motion to Alter or Amend Special Master Report and Recommendation* arguing the "water right should be granted as claimed and partially decreed." Attached to the *Motion* was a *Memo in Support* plus affidavits of Jeffrey B. Trospen, Marvin and Dennis Parsons, Stenna and Duane Barclay, Richard A. Line and Laron Allred.

A hearing on the *Motion* was held by telephone on April 16, 2009. Robert L. Harris appeared for the Stieglitz'; objectors Ruth and Steven Adams and Richard Koompin appeared *pro se*; Hyrum D. Erickson and Ray W. Rigby appeared for Ms. Nelson; and Garrick L. Baxter appeared for IDWR. Mr. Harris suggested the *Motion* should be deemed a motion to file a late

¹ Jeffrey and Bridgette Stieglitz, 646 US Highway 91, Firth, Idaho, 83236, filed their *Notice of Claim* on November 28, 2006, claiming 2.5 cfs from Upper Spring Creek to irrigate 125 acres in Bingham County from April 1 to October 31 with a priority date of May 23, 1910. On April 27, 2007, the IDWR Director recommended the claim be disallowed: "Forfeited / abandoned due to non-use from 2002 to 2006."

objection which he would not oppose. The objectors only said they would likely retain legal counsel to represent them.

THEREFORE, IT IS ORDERED that:

1. Ms. Nelson's motion to file a late objection is **granted**;
2. The December 23, 2008 *Special Master Report and Recommendation* is **stayed** pending resolution of the late objection;
3. A pre-trial hearing shall be held by telephone conference² on **Thursday, August 20, 2009, 1:30 p.m.**; and
4. Trial shall be held at the Bingham County Courthouse, Courtroom #2, 501 N. Maple, Blackfoot, Idaho, beginning on **Tuesday, September 1, 2009, 10:00 a.m.**

DATED April 17, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

² Parties may participate by telephone by dialing 1-225-383-1099 and when prompted, entering the code 654400.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LATE OBJECTION AND STAYING RECOMMENDATION; AND TRIAL SCHEDULE was mailed on April 17, 2009, with sufficient first-class postage to the following:

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