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Department of Water Resources
Adjudication Bureau

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 5 2009	
By _____	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	) Subcases 75-77A, 75-4337, 75-10061K and
	) 75-10296
	) (Carm-Ida Livestock)
	)
Case No. 39576	) ORDER GRANTING MOTIONS TO FILE
	) LATE OBJECTIONS AND MOTIONS TO FILE
	) AMENDED NOTICES OF CLAIMS and ORDER
	) SETTING STATUS CONFERENCE

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims to Carm-Ida Livestock, P.O. Box 84, Carmen, Idaho, 83462, for .7 cfs, 5.84 cfs, .29 cfs and 1.96 cfs from Carmen Creek to irrigate a combined total of 219.7 acres in Lemhi County from April 1 to October 31 with priority dates of May 1, 1892, April 1, 1915, May 1, 1875, and May 1, 1882, decree and beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on October 16, 2007, objecting to place of use. Brandon McFarland (Carm-Ida) lodged late *Objections* in all four subcases on November 26, 2007, objecting to quantity and place of use.

During an initial hearing on September 9, 2008, a deadline for Carm-Ida to file amended claims was set along with a deadline for IDWR to file amended director's reports. Carm-Ida filed *Motions to File Amended Notices of Claims* on October 29, 2008, in subcases 75-77A, 75-4337 and 75-10061K claiming more acreage and a longer season of use. On October 30, 2008, a

new deadline for IDWR to file amended director's reports and a new objection deadline were set, but on December 4, 2008, IDWR wrote to the Court to say:

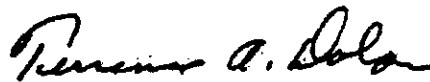
[I]t is necessary to have a Hubble Analysis performed on the claimant's property to determine the appropriate rate of flow for these water rights. Unfortunately, the Department will not be able to accomplish this for quite some time, as the Department only has one agent at this time qualified to evaluate the Hubble Analysis.

A status conference was held by telephone on July 30, 2009. Milton A. (Jock) Slavin appeared for Carm-Ida, along with Brandon McFarland; David L. Negri appeared for the United States, along with Scott Beezer; and Garrick L. Baxter appeared for IDWR, along with Suzy Cooley-Denney. Counsel for IDWR said it will likely not be able to complete a Hubble Analysis, so another solution will be pursued. Until then, it is appropriate to clarify the procedural posture of Carm-Ida's pending late *Objections* and *Motions*.

THEREFORE, IT IS ORDERED that:

1. Carm-Ida's motions to file late *Objections* in subcases 75-77A, 75-4337, 75-10061K and 75-10296 are **granted**;
2. Carm-Ida's *Motions to File Amended Notices of Claims* in subcases 75-77A, 75-4337 and 75-10061K are **granted**; and
3. A status conference will be held on **Thursday, October 29, 2009, 2:00 p.m.** Parties may participate by telephone by dialing 1-225-383-1099 and when prompted, entering the code 654400.

DATED August 5, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOITONS TO FILE LATE OBJECTIONS AND AMENDED NOTICES OF CLAIMS
AND ORDER SETTING STATUS CONFERENCE was mailed on August 05,
2009, with sufficient first-class postage to the following:

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