

RECEIVED
AUG 20 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 19 2010

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: 01-10545
Case No. 39576) ORDER GRANTING LATE NOTICE OF
CLAIM
ORDER FOR EXPEDITED LATE
CLAIM DIRECTOR'S REPORT AND
SETTING FORTH PROCEDURES AND
DEADLINES FOR EXPEDITED
PROCESS

On May 19, 2010, Claimant Bannock Jim Slough Canal Company filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on August 17, 2010. No party appeared in opposition to the *Motion*. In addition to the above-captioned late notice of claim, Claimant has various other water right claims presently pending unresolved in the SRBA, specifically water right claims 01-139 and 01-140. At the hearing, it was represented to the Court that the late claim is associated with the resolution of Claimant's other claims. Therefore, in the event the late notice of claim is granted and a *Partial Decree* entered, Claimant's other claims presently pending unresolved in the SRBA will be resolved.

Accordingly, following a review of the file and after hearing the comments made in open court, the Court makes the following findings:

1. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim. Good cause exists for granting the instant *Motion*.

2. The next regularly scheduled *Late and Miscellaneous Claims Director's Report* may not be issued prior to any trial set for Claimant's other water right claims. The issuance of a partial decree for the late claim will settle the Claimant's other water right claims.

3. The scheduling or continuation of trials in Claimant's other water right claims beyond the issuance of the next regularly scheduled *Late and Miscellaneous Claims Director's Report* is not feasible due to limited available trial dates and the need to have said dates available to schedule and process other SRBA matters.

4. In furtherance of the winding down process for the SRBA it is imperative that subcases 01-139 and 01-140 be timely set for trial. Therefore in limited circumstances such as this it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed in advance of the next regularly scheduled *Late and Miscellaneous Claims Director's Report*. This is on a case-by-case basis and provided the Idaho Department of Water Resources (IDWR) is in a position to prepare the recommendation in advance and does not oppose preparing and filing a *Director's Report* in advance.

5. In this case IDWR does not oppose filing a *Director's Report* for the late claim and represented that it would be able to prepare a *Director's Report* and recommendation in a short time period.

6. This Court therefore finds that under the circumstances the issuance of an expedited *Late Claim Director's Report* for the above-captioned claim is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for water right **01-10545** is **granted**. The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Late Claim Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the late claim:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file an original of the *Late Claim Director's Report* for the above-captioned water right claim

with this Court on or before **October 29, 2010** and shall distribute for display and review at least one (1) copy of the *Late Claim Director's Report* to the office of the clerk of the district court for each county in which any part of the water system is located, together with a copy of this **Order**. The Director shall also serve on each claimant or the claimant's attorney a notice of filing of the *Late Claim Director's Report*. Last, the Director shall file with the Court an affidavit demonstrating compliance with the notice requirements of Idaho Code § 42-1411(6).

2. Deadline for the filing of objections to *Late Claim Director's Report*: Any party wishing to file an objection to the *Late Claim Director's Report* may do so within 21 days following the notice of filing of the *Late Claim Director's Report* in the Docket Sheet, or on or before **November 19, 2010**.

3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed within 14 days following the close of the objection period, or on or before **December 3, 2010**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the ***Partial Decree*** as required by I.C. § 42-1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **Tuesday, December 21, 2010, at 2:30 p.m. (Mountain Time), at the Snake River Basin Adjudication District Court, 253 - 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 1-215-446-0193 and when prompted entering code 406128.

5. Publication of Notice: The clerk of the court is instructed to publish a notice of the issuance of this order, together with the applicable objection, response and hearing date, on the November 2010 docket sheet.

IT IS SO ORDERED

Dated August 19, 2010



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LATE NOTICE OF CLAIM AND ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT was mailed on August 19, 2010, with sufficient first-class postage to the following:

BANNOCK JIM SLOUGH CANAL

Represented by:

RAY W. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

1-10545

02/09/2010

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION

CIVIL CASE NUMBER: 39576

OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number
Date Received:
Receipt No:
Received By:

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
1-10545
MAY 19 2010
MWH
By _____ Clerk
Deputy Clerk

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BANNOCK JIM SLOUGH CANAL CO Phone:
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID USA 83440

2. Date of Priority: 06/01/1898

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	39E	35	SE NW	MADISON	

5. Description of diverting works:

SNAKE RIVER HEADGATE TO SLOUGH TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	4.00	

7. Total Quantity Appropriated is:

4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	38E	13	NE	NE		IRRIGATION	33
			NW	NE		IRRIGATION	33
			SW	NE		IRRIGATION	5
			SE	NE		IRRIGATION	5
						Section Acres	76
05N	39E	17	SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	35
						Section Acres	73
05N	39E	18	NW	NE		IRRIGATION	4
			NE	NW		IRRIGATION	31.9
			SW	NW		IRRIGATION	35
			SE	NW		IRRIGATION	32
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	20
			NW	NW		IRRIGATION	35.1
			NE	SW		IRRIGATION	5
			NW	SW		IRRIGATION	7.5
			NE	SE		IRRIGATION	38
						Section Acres	251.5
05N	39E	20	NW	NW		IRRIGATION	16
			NE	SE		IRRIGATION	38
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	36
						Section Acres	130
05N	39E	21	NW	SW		IRRIGATION	37.3
			SW	SW		IRRIGATION	7
			SE	SW		IRRIGATION	30
						Section Acres	74.3
						Total Acres	604.8

11. Place of use in counties: Madison County

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 1-139 & 1-140

14. Remarks:

Awaiting acceptance of late claim by SRBA court.

This right is old Right No. 22-650.

15. Basis of Claim: Decreed

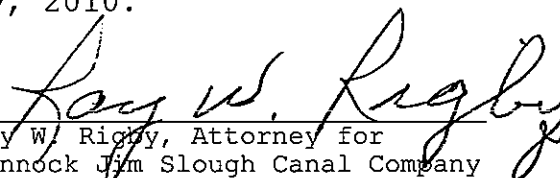
16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not xx wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

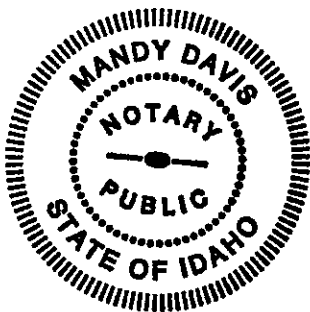
DATED this 18th day of May, 2010.

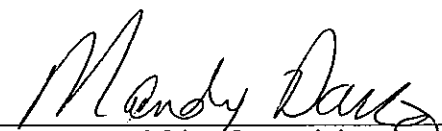

Ray W. Rigby, Attorney for
Bannock Jim Slough Canal Company

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 18th day of May, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Ray W. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

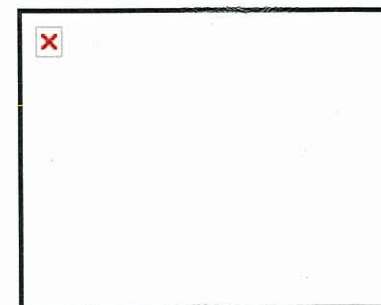
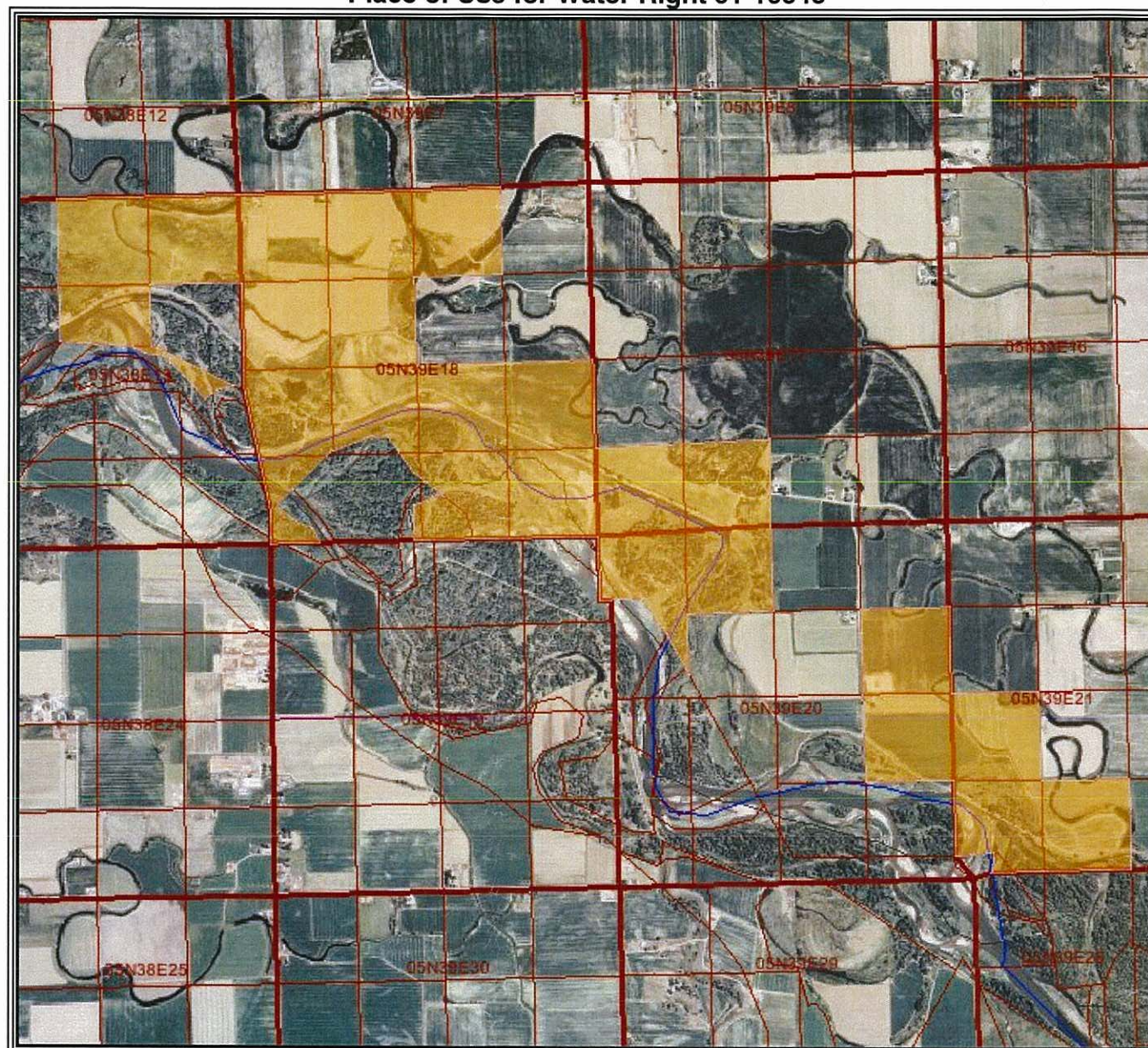
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

Place of Use for Water Right 01-10545

Created: May 18, 2010



- Legend**
- Selected Features
 - Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - 20001 - 10000000
 - 10001 - 20000
 - 250 - 10000
 - PLS - Section
 - PLS - quarter quarter
 - Cities
 - Counties
 - state
 - High Res. NAIP (2006)



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Ph: (208) 287-4800
www.idwr.idaho.gov

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