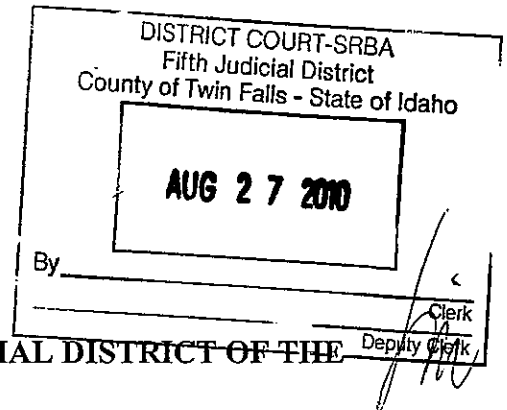


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AUG 30 2010
DEPARTMENT OF
WATER RESOURCES



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

-) Water Right Claims: 29-13955, 29-13956,
-) 29-13957 and 29-13958
-)
-) ORDER CONDITIONALLY GRANTING
-) MOTION FOR EXPEDITED HEARING
-)
-) ORDER OF REFERENCE TO SPECIAL
-) MASTER BILYEU
-)
-) NOTICE SETTING HEARING ON
-) MOTIONS TO FILE LATE NOTICE OF
-) CLAIM TO BE HEARD BY SPECIAL
-) MASTER
-)

On August 18, 2010, Claimant Rowlands Inc., through its attorney of record Thomas J. Budge, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water right claims. Accompanying the *Motions* was a letter notifying the Court that the *Late Notices of Claim* relate to various other water right claims previously filed by Claimant which are presently pending unresolved in the SRBA.¹ Claimant requested that the *Motions* be granted by leave of the Court without a hearing so that the *Late Notices of Claim* could be included in the Fall 2010 *Late and Miscellaneous Claims Director's Report* and proceed with Claimant's other pending claims. In contacting IDWR regarding the timing of the next *Late and Miscellaneous Claims Director's Report*, the Court was informed that in the event Claimant's *Motions* are granted by this Court, IDWR may be able to include the late claims in the Fall 2010 *Late and*

¹ *Motions to File Late Notice of Claim* for water rights 29-04443, 29-04444 and 29-04445 were granted and are awaiting reporting by IDWR. Also pending are *Motions to Set Aside Partial Decrees* for water right claims 29-11278 and 29-4443A.

Miscellaneous Claims Director's Report if Claimant's *Motions to File Late Notice of Claim* are heard on an expedited basis and the *Motions to Set Aside Partial Decree* filed by Claimant in Subcase Nos. 29-11278 and 29-4443A are resolved with adequate time to permit recommendations to be prepared prior to the issuance of the *Report*.² While this Court will not grant the *Motions* without a hearing, it will treat Claimant's letter as a motion to have its *Motions to File Late Notice of Claim* heard on an expedited basis and conditionally grant the same.³

Accordingly, following a review of the files, the Court makes the following findings:

1. The next regularly scheduled *Late and Miscellaneous Claims Director's Report* is to be issued by IDWR in Fall 2010. The *Late Notices of Claim* filed by Claimant relate to and affect various other water right claims previously filed by Claimant which are presently pending unresolved in the SRBA before Special Master Bilyeu. As such, Claimant's late claims, if granted, may need to proceed simultaneously with Claimant's other claims.
2. IDWR may be able to include the late claims, if granted, in the Fall 2010 *Late and Miscellaneous Claims Director's Report* if Claimant's *Motions* are heard on an expedited basis and the *Motions to Set Aside Partial Decree* filed by Claimant in Subcase Nos. 29-11278 and 29-4443A are resolved with adequate time to permit recommendations to be prepared prior to the issuance of the *Report*.
3. This Court therefore finds that under the circumstances good cause exists to hear Claimant's *Motions to File Late Notice of Claim* on an expedited basis. However for purposes of notice parties on the SRBA expedited mailing list need to be served notice.
4. The matter shall be heard by the Special Master presently assigned to the other related subcases.

² Claimant's *Motions to Set Aside Partial Decree* filed in Subcase Nos. 29-11278 and 29-4443A are presently scheduled to be heard on September 8, 2010 before Special Master Bilyeu.

³ Further, because the late claims are for water rights in a substantially completed basin and also relate to claims currently pending before the Special Master the Court's practice is to refer the matter to the Special Master for an I.R.C.P. 55(c) determination.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

1. Claimant's *Motion for Expedited Hearing* on Claimant's *Motions to File Late Notice of Claim* is conditionally **granted** provided Claimant serves notice in accordance with paragraph 2 below.

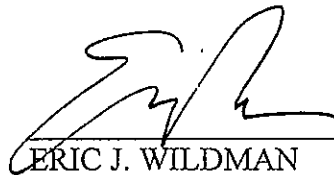
2. Claimant shall pursuant to *AOI section 6.f* send a copy of this *Order / Notice of Hearing* as well as its *Motions to File Late Notice of Claim* to all parties listed in Section 6.e.(2) and each person on the *Court Certificate of Mailing for Expedited Hearings* and timely file the *Certificate of Service* with this Court.

3. Order of Reference: This matter is referred to Special Master Brigitte Bilyeu who is hereby appointed to preside over the *Motions to File Late Notice of Claim* filed in the above-captioned subcases and to conduct all proceedings necessary to issue a recommendation, consistent with AO1, on the issue of whether the *Motions* should be granted pursuant to I.R.C.P. 55(c).

4. NOTICE IS GIVEN that hearing on the *Motions to File Late Notice of Claim* is set for **Wednesday September 8, 2010, at 2:30 p.m., at the Snake River Basin Adjudication Courthouse, 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 926509#. If you have any difficulty connecting to this Call, call the SRBA Court immediately at 208-736-3011.

Failure to appear at the hearing, either in person or by telephone, may result in the dismissal of your *Motions to File Late Notices of Claim*.

Dated August 27, 2010

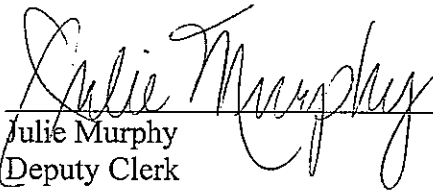

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER CONDITIONALLY GRANTING MOTION FOR EXPEDITED HEARING; ORDER OF REFERENCE TO SPECIAL MASTER BILYEU and NOTICE SETTING HEARING ON MOTIONS TO FILE LATE NOTICE OF CLAIM TO BE HEARD BY SPECIAL MASTER** were mailed on August 27, 2010, by first-class mail to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Rowlands, Inc.
Represented by:
Budge, Thomas J.
201 E Center St.
PO Box 1391
Pocatello, ID 83204-1391


Julie Murphy
Deputy Clerk