

these claims to accurately depict its water rights which were developed in stages. Thus a meritorious position was alleged.

The SRBA Court places emphasis on the element of prejudice to other parties in basins where the reported "irrigation and other purposes" water rights have been litigated and decreed. The SRBA Court recently noted that a late claim on a fully decreed source potentially puts parties with rights on the same source in the position of re-litigating issues that have already been decided, or in the position of addressing new issues that should have been properly raised at the time the source of the subject claim was initially report and litigated. *Order of Reference* (Subcase No. 34-13811) (October 28, 2003)

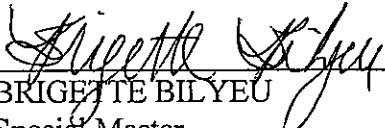
The claims at issue here are in Basin 29. Most of the water rights in Basin 29 have been litigated and decreed. In addition, many water rights tributary to the Portneuf River are subject to a Portneuf River Settlement Agreement. It is, therefore, important to determine whether allowing a late claim would prejudice existing water rights. Rowlands Inc. explained that these claims are downstream from the City of Pocatello. Therefore, it is believed that these claims would not affect the Portneuf River Settlement Agreement. Rowlands Inc. is unaware of prejudice to other parties that would occur if these late claims are allowed.

IV. CONCLUSIONS OF LAW

This Special Master concludes that the likelihood of prejudice to other parties in the SRBA and in Basin 29 is remote and therefore the late claims should proceed. Rowlands Inc. indicated that these late claims would not impact the Portneuf River Settlement Agreement. Furthermore, once the *Director's Report* for these water rights is filed, other parties will have an opportunity to object.

THEREFORE, IT IS RECOMMENDED that the *Motions to File Late Claim* be **granted** for water rights 29-13955, 29-13956, 29-13957 and 29-13958.

DATED: October 1, 2010.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION REGARDING MOTION TO FILE LATE CLAIM was mailed on October 01, 2010, with sufficient first-class postage to the following:

ROWLANDS INC

Represented by:

BUDGE, THOMAS J

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