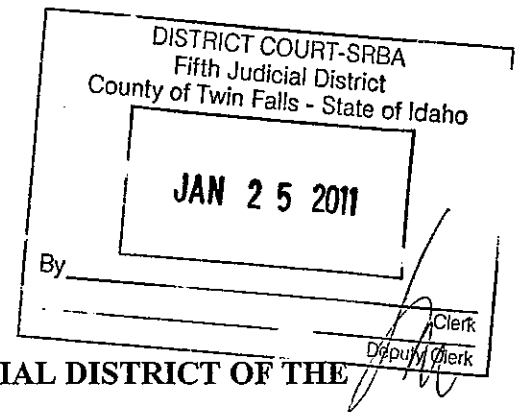


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DEPARTMENT OF
WATER RESOURCES



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

) Subcase: 63-00180, 63-00181 & 63-33406
)
) ORDER AMENDING DATE FOR
) FILING OF EXPEDITED LATE CLAIM
) DIRECTOR'S REPORT AND
) PROCEDURES AND DEADLINES FOR
) EXPEDITED PROCESS
)
) ORDER VACATING AND RESETTNG
) HEARING
)

On October 22, 2010, this Court entered an *Order Conditionally Granting Late Notice of Claim and Order for Expedited Late Claim Director's Report and Setting Forth Procedures and Deadlines for Expedited Process* ("Order") in the above-captioned subcases. The *Order* directed that recommendations for the above-captioned late claims be issued by IDWR in the November 2010 *Late and Miscellaneous Claims Director's Report* if possible, or if not possible, be issued via an expedited *Late Claim Director's Report* on or before December 30, 2010. The expedited process identified in the *Order* was based on IDWR's representation that the late claims, if granted, would be candidates for expedited late claim director's reports because they are associated with, relate to, and may affect other claims pending unresolved in the SRBA presently set for trial on May 9, 2011.

Late Claim Director's Reports for the late claims were not included in the November 2010 *Late and Miscellaneous Claims Director's Report* and the December 30, 2010 deadline was previously relaxed by the Court at the request of IDWR to allow for the possibility of a global settlement in the other related subcases which would resolve these late claims. As of the date of this *Order* no such settlement has been presented and

ORDER AMENDING DATE FOR FILING OF EXPEDITED LATE CLAIM DIRECTOR'S
REPORT AND PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS;
ORDER VACATING AND RESETTNG HEARING

- 1 -

it is necessary that recommendations be issued for the above-captioned late claims so as not to upset the previously scheduled trial setting in the other related claims.¹

Therefore, IT IS HEREBY ORDERED that the deadlines for the expedited *Late Claim Director's Reports* and expedited process are amended as follows:

1. Hearing Vacated: The hearing on uncontested claim previously scheduled in this matter for February 15, 2011, at 1:30 p.m. is **hereby vacated** and reset as set forth herein.
2. Deadline for Filing of Late Claim Director's Report: The Director shall file an original of the *Late Claim Director's Report* for each of the above-captioned water right claims with this Court on or before **February 28, 2011** and shall distribute for display and review at least one (1) copy of each *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 the 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).
3. 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 **March 28, 2011**.
4. 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 **April 11, 2011**.
5. 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**,

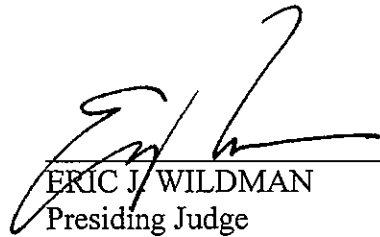
¹ As previously noted by the Court in this matter, in furtherance of the winding down process for the SRBA it is imperative that matters be timely set for trial. Therefore in limited circumstances such as this it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed on an expedited basis. This is on a case-by-case basis and provided the Idaho Department of Water Resources is in a position to prepare the recommendation and does not oppose preparing and filing an expedited *Director's Report*.

April 19, 2011, at 1:30 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.

6. 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 February 2011 docket sheet.

IT IS SO ORDERED.

Dated January 25, 2011.

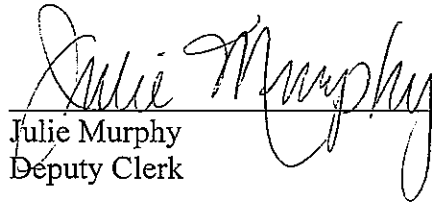

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER AMENDING DATE FOR FILING OF EXPEDITED LATE CLAIM DIRECTOR'S REPORT AND PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS AND ORDER VACATING** and **ORDER RESETTING HEARING** were mailed on January 25, 2011, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

E G Johnson Farms Inc
Represented by:
JOHN M. MARSHALL
575 W Bannock St, Ste B
Boise, ID 83702


Julie Murphy
Deputy Clerk