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APR 22 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 21 2011	
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	)	Subcases 45-13973 and 45-13974
	)	(Lambert Produce Co., Inc.)
	)	
Case No. 39576	)	ORDER GRANTING MOTIONS
	)	TO FILE LATE OBJECTIONS
_____	)	AND SETTING INITIAL HEARING

On February 22, 2006, former SRBA Presiding Judge John M. Melanson entered an *Order Granting Motions to File Late Notice of Claim* in the two subcases. IDWR filed its *Director's Report for Late Claims* on November 24, 2010, recommending both claims be disallowed: "No lawful appropriation shown." The deadline to file objections was January 24, 2011.

On February 17, 2011, the claimant filed a *Motion to File Late Objection* in each subcase alleging good cause for the late *Objections*. Its counsel wrote:

Although I was aware last fall that the Idaho Department of Water Resources was planning to issue its recommendations for the above-captioned claims, I mistakenly believed that a copy of the recommendation would be mailed to me. The recommendation may have gone to my former address. I also mistakenly believed that IDWR's internet-accessible water right records would indicate that the recommendations for the claims had been generated; however, these records currently show only claims for the above-captioned rights.
Affidavit of John Marshall in Support of Motion to File Late Objections, at 1-2.

A hearing on the *Motions* was held by telephone conference on April 21, 2011. John M. Marshall appeared for Lambert Produce and Nicholas B. Spencer appeared for IDWR. Counsel for IDWR reported the claims are for "high water" and are especially complicated because they

are tied into Lambert Produce's groundwater claims and there are pending administrative proceedings on related claims that will require extensive work.

THEREFORE, IT IS ORDERED that:

1. The *Motions to File Late Objections*, are **granted**; and
2. An initial hearing by video conference between Boise (IDWR) and Twin Falls (SRBA Court) shall be held on **Thursday, August 4, 2011, 10:30 a.m.**

DATED April 21, 2011.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO FILE LATE OBJECTIONS AND SETTING INITIAL HEARING was mailed on April 21, 2011, with sufficient first-class postage to the following:

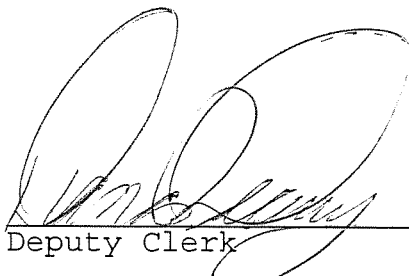
LAMBERT PRODUCE CO INC
LAMBERT PRODUCE INC
Represented by:
JOHN M MARSHALL
575 W BANNOCK ST, SUITE B
BOISE, ID 83702
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DIRECTOR OF IDWR
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ORDER

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