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DEPARTMENT OF
WATER RESOURCES

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

JUL 20 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) Subcase: 22-13997, 22-13998 and 22-13999
Case No. 39576) ORDER GRANTING LATE NOTICES
OF CLAIM
ORDER FOR EXPEDITED LATE
CLAIM DIRECTOR'S REPORTS AND
SETTING FORTH PROCEDURES AND
DEADLINES FOR EXPEDITED
PROCESS

On April 1, 2011, a *Motion to File Late Notice of Claim* was filed for each of the above-captioned water right claims. A hearing on the *Motions* was held on July 19, 2011. No party appeared in opposition to the *Motions*. At the hearing, it was represented to the Court that the late claims were filed as a necessary component to a global settlement agreement between various Paradise Springs water users. It was also represented to the Court by the Idaho Department of Water Resources that, if granted, the late claims would be candidates for expedited late claim director's reports, given that a hearing on related claims presently pending in the SRBA, which the late claims are associated with and relate to, is presently set for September 2011 before Special Master Bilyeu.

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

1. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these Late Notices of Claim. Good cause exists for granting the instant *Motions*.

2. The next regularly scheduled *Late and Miscellaneous Claims Director's Report* will not be issued in time to accommodate the hearing presently set in September 2011 before Special Master Bilyeu on related claims.

3. In furtherance of the winding down process for the SRBA it is imperative that matters be timely set for resolution. 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.

4. In this case IDWR does not oppose filing *Director's Reports* for the late claims and represented that it would be able to prepare such *Director's Reports* and recommendations on or before August 31, 2011.

5. This Court therefore finds that under the circumstances the issuance of expedited *Late Claim Director's Reports* for the above-captioned claims is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motions to File a Late Notice of Claim* for water right claims 22-13997, 22-13998 and 22-13999 are **granted**. The original Notices 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 expedited *Late Claim Director's Reports* for the above-captioned water right claims, and that the parties abide by the following schedule with respect to the late claims:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file originals of the *Late Claim Director's Reports* for the above-captioned water right claims with this Court on or before **August 31, 2011** and shall distribute for display and review at least one (1) copy of the *Late Claim Director's Reports* 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 Reports*. 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 Reports* may do so within 21 days following the notice of filing of the *Late Claim Director's Reports* in the Docket Sheet, or on or before **September 28, 2011**.

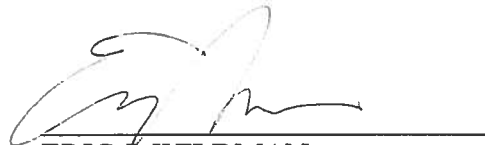
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed within 14 days following the close of the objection period, or on or before **October 12, 2011**.

4. Hearing on uncontested claims: 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, November 15, 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#.

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 August 2011 docket sheet.

IT IS SO ORDERED.

Dated July 20, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORTS AND SETTING FORTH PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS was mailed on July 20, 2011, with sufficient first-class postage to the following:

AL SHIVER
CEDRON IRRIGATION LLC
MAHOGANY RANCH HOLDINGS
TETON RAINBOW RANCHES INC
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Handwritten signature of Julie Murphy in cursive script, written over a horizontal line.