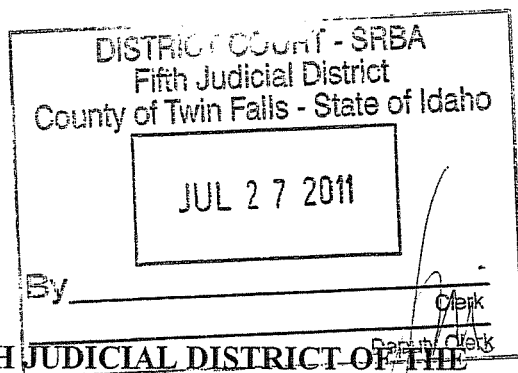


RECEIVED
JUL 28 2011
DEPARTMENT OF
WATER RESOURCES



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 No: 00-91013
) (Basin-Wide Issue 13)
)
) NOTICE OF HEARING ON SCI
) PROPERTIES, LLC'S MOTION TO
) FILE LATE OBJECTIONS
)
)
)
)

On April 12, 2011, the Court issued a *Procedural Order Governing State of Idaho's Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Agreement* ("Procedural Order") in the above-captioned matter. The *Procedural Order* directed that all water users objecting to the inclusion of their water rights on the list provided as Attachment B to the State's *Second Amended Motion to Include Subordination Language* ("Second Amended Motion") file and serve an *Objection* with the Court no later than May 20, 2011. On May 25, 2011, SCI Properties, LLC lodged two *Objections* to the State's *Second Amended Motion to Include Subordination Language*, objecting to water rights 37-21943 and 37-22586 being included on the list of water rights identified on Attachment B to the State's *Second Amended Motion*.

On July 18, 2011, counsel for SCI Properties, LLC sent an email to the Court regarding the untimeliness of the *Objections* for water rights 37-21943 and 37-22586. A copy of that email is attached hereto and disclosed as Exhibit A. The SRBA law clerk instructed counsel to file a motion with the Court. On July 25, 2011, SCI Properties, LLC filed a *Motion to File Late Objections*, along with the *Affidavit of James P. Speck* in support, requesting that the Court grant leave to SCI Properties, LLC to file late *Objections* for water rights 37-21943 and 37-22586.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. Notice of hearing. A hearing on the above-mentioned *Motion to File Late Objections* is set for **Tuesday, August 9, 2011 at 8:30 am (Mountain Time)**, at the **Snake River Basin Adjudication District Court, 253 – 3rd Avenue North, Twin Falls, Idaho.** Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted.
2. Response in Opposition. Any party that wishes to file a response in opposition to the *Motion to File Late Objections* shall file and serve the same **on or before August 1, 2011.**
3. Vacation of hearing in the event no responsive briefing is filed. In the event no responsive briefing is filed in opposition to the *Motion to File Late Objections*, the above-mentioned hearing set for August 9, 2011 will be automatically vacated by the Court, and the Court will issue an *Order* granting the *Motion* as unopposed.

DATED: July 31, 2011



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

Eric,

I represent SCI Properties, LLC. We submitted Objections for two water rights, mailing them on May 18, 2011. Jo Beeman's office confirmed they received their service copy of the Objections on May 19, 2011. For some unexplained reason they did not arrive at the Court until May 25, 2011. I believe we have a very valid Objection based on the "substantial investment" provision of the 1180 Contract. Unless you deem it inappropriate I would like to discuss with you the steps you may require to get these Objections filed. I look forward to hearing from you.

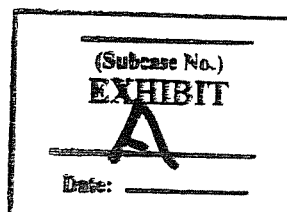
Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
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CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF HEARING ON SCI PROPERTIES LLC'S MOTION TO FILE LATE OBJECTIONS was mailed on July 27, 2011, with sufficient first-class postage to the following:

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER
PERRY & AFTON VAN TASSELL

Represented by:
BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

LARRY BETHKE

Represented by:
CANDICE M MC HUGH
101 S CAPITOL BLVD, STE 300
BOISE, ID 83702
Phone: 208-395-0011

BASIN AND RANGE RESOURCE
INTERESTED WATER USERS
JEFF & JACKIE HARPER

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RICHARD YOUNG
TIMOTHY R EAMES

Represented by:
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ROBINSON ANTHON & TRIBE
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BLF LAND LLC
BURGESS CANAL
EGIN BENCH CANALS INC
ENTERPRISE IRRIGATION COMPANY
HARRISON CANAL AND IRRIGATION
IDAHO IRRIGATION DISTRICT
LARRY & CAROLYN LEE
L2 LIMITED PARTNERSHIP
NEW SWEDEN IRRIGATION DISTRICT
NORTH FREMONT CANAL SYSTEMS
PEOPLES CANAL & IRRIGATION
PROGRESSIVE IRRIGATION DIST
RALPH L HILLMAN
RANDY J HILLMAN
SNAKE RIVER VALLEY IRRIGATION

Represented by:
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CLEAR SPRINGS FOODS INC
IDAHO POWER COMPANY

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CITY OF POCATELLO

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Phone: 208-331-0950

DEAN R ROGERS INC

Represented by:
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PO BOX 83
TWIN FALLS, ID 83303-0083
Phone: 208-733-2722

(Certificate of mailing continued)

STATE OF IDAHO

Represented by:
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STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
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BOISE, ID 83711-4449

IDAHO GROUND WATER

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Phone: 208-232-6101

B-4 DAIRY LLC

LUIS & SHARON L BETTENCOURT
Represented by:
ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS ET AL
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USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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PO BOX 36
MURPHY, ID 83650
Phone: 208-834-2051

JASON M & RACHEL L REYNOLDS

PO BOX 613
MOUNTAIN HOME, ID 83647
Phone: 208-580-2840

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

TO WHAT EXTENT IF ANY SHOULD
THE SWAN FALLS AGREEMENT BE
ADDRESSED IN THE SRBA OR BE
MEMORIALIZED IN A DECREE

RICHARD WINBERG

1027 S 2600 W
ABERDEEN, ID 83210
Phone: 208-681-0220

FARMLAND RESERVE INC

139 E SOUTH TEMPLE ST STE 600
SALT LAKE CITY, UT 84111
Phone: 801-715-9110

ROBERT A THOMAS

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MURPHY, ID 83650
Phone: 208-834-2638

PAUL BEHREND

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ABERDEEN, ID 83210
Phone: 208-221-0341

NICHOLAS BEHREND

2976 W 2000S
ABERDEEN, ID 83210
Phone: 208-221-0342

CHRIS WRIDE

3139 WILLOW
AMERICAN FALLS, ID 83211
Phone: 208-221-8125

NOTICE

(Certificate of mailing continued)

BART WRIDE
3166 W 1300 S
ABERDEEN, ID 83210
Phone: 208-397-4634

DUANE W DRAKE FAMILY TRUST
3633 COUNTY RD 106
ELIZABETH, CO 80107
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RICHARD SVANCARA
3954 N 750 E
BUHL, ID 83316
Phone: 208-543-8835

BILLY D & MAURINE JACOBSEN
535 BUTTE DR
TWIN FALLS, ID 83301
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VIRGINIA CANAVERO
58409 MANSFORD AVE
ROGERSON, ID 83302
Phone: 208-857-2252

HAROLD A & MARLENE FUNK
865 FILLMORE
AMERICAN FALLS, ID 83211
Phone: 208-226-7735

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".