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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 17 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: 63-33516
	)
Case No. 39576	) ORDER CONDITIONALLY GRANTING
	) LATE NOTICE OF CLAIM
	)
	) ORDER FOR EXPEDITED LATE
	) CLAIM DIRECTOR'S REPORT AND
	) SETTING FORTH PROCEDURES AND
	) DEADLINES FOR EXPEDITED
	) PROCESS
	)

On May 31, 2011, Claimant Vale Island Farms filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on August 16, 2011. No party appeared in opposition to the *Motion*. At the hearing the Claimant requested that if the *Motion to File Late Notice of Claim* is granted, that a *Late Claims Director's Report* be issued by the Idaho Department of Water Resources for the late claim on an expedited basis so that the recommendation could be used for interim administration of the late claim in Basin 63. The Court notes that an *Order Granting State of Idaho's Motion for Order of Interim Administration of Decreed Surface Water Rights* was entered with respect to Basin 63 on February 22, 2011. It was represented to the Court by the Idaho Department of Water Resources that, if granted, the late claim would be a candidate for an expedited late claim director's report.

Also at the hearing the Claimant expressed its intent to file an *Amended Late Notice of Claim* changing the claimed purpose of use for the above-captioned water right claim. The Claimant also notified the Court that it was informed by the Department that it needed to submit an additional late fee associated with the late claim to the Idaho Department of water Resources.

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

1. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim. The Court finds that good cause exists for the granting of the instant *Motion* provided that Claimant first (1) file and serve, as required by *SRBA Administrative Order 1* (“*AOI*”) section 6, an *Amended Late Notice of Claim* with respect to the above-captioned water right claim that corrects the claimed purpose of use **on or before August 31, 2011**, and (2) submits the correct late fee to the Idaho Department of Water Resources.

2. The next regularly scheduled *Late and Miscellaneous Claims Director’s Report* will not be issued in time to accommodate the possibility of interim administration of the above-captioned water right claim consistent with its recommendation for the 2011 irrigation season.

3. In furtherance of the winding down process for the SRBA it is imperative that matters be timely processed. 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 a *Director’s Report* for the late claim and represented that it would be able to prepare a *Director’s Report* and recommendation in a short time period.

5. This Court therefore finds that under the circumstances the issuance of an expedited *Late Claim Director’s Report* for the above-captioned claim is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for water right **29-14000** is **conditionally granted**, provided that Claimant first (1) file and serve, as required by *SRBA Administrative Order 1* (“*AOI*”) section 6, an *Amended Late Notice of Claim* with respect to the above-captioned water right claim that corrects the claimed

purpose of use **on or before August 31, 2011**, and (2) submits the correct late fee to the Idaho Department of Water Resources. Upon receipt by this Court of an *Amended Late Notice of Claim* that conforms with this *Order*, this Court will forward the *Amended Late Notice of Claim* to the Idaho Department of Water Resources for processing.

IT IS HEREBY FURTHER ORDERED that the Director issue an expedited *Late Claim Director's Report* for the above-captioned water right claim, and that the parties abide by the following schedule with respect to the late claim:

1. Deadline for filing *Late Claim Director's Report*: The Director shall file an original of the *Late Claim Director's Report* for the above-captioned water right claim with this Court on or before **September 30, 2011** and shall distribute for display and review at least one (1) copy of the *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 each 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).

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 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 **October 28, 2011**.

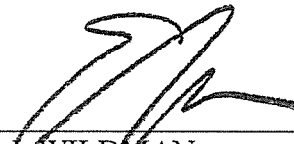
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed within 14 days following the close of the objection period, or on or before **November 14, 2011**.

4. 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, November 15, 2011, at 2:30 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 September 2011 docket sheet.

IT IS SO ORDERED.

Dated August 17, 2011



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LATE NOTICE OF CLAIM / ORDER FOR EXPEIDTED LATE CLAIM DIRECTOR'S REPORT AND SETTING DEADLINES was mailed on August 17, 2011, with sufficient first-class postage to the following:

VALE ISLAND FARMS

Represented by:
MICHAEL P LAWRENCE
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Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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".