

RECEIVED

DEC 05 2011

DEPARTMENT OF
WATER RESOURCES

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

DEC - 2 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

Case No. 39576

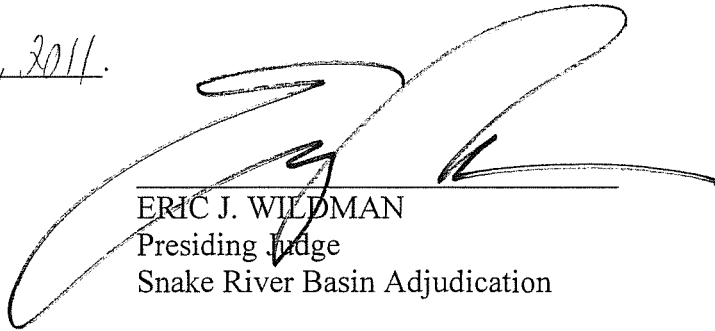
) Subcase No: 00-91013
) (Basin-Wide Issue 13)
)
) ORDER DISMISSING WINBERG'S
) OBJECTIONS REGARDING WATER
) RIGHT NUMBERS 35-2430 AND 35-2434
) WITH PREJUDICE
)
)
)
)
)
)

On July 27, 2011, Richard Winberg ("Winberg") filed *Objections* to the Idaho Department of Water Resource's 706 *Report and Recommendation* dated July 15, 2011, regarding water rights 35-2430 and 35-2434. On November 23, 2011, the parties filed a *Stipulation to Resolve Objection to 706 Report and Recommendation*, wherein the parties agreed and stipulated that water right 35-8201, also owned by Winberg, be removed from Attachment B to the *State of Idaho's Second Amended Motion to Include Subordination Language on Water Rights Affected by the Swan Falls Agreement* ("Second Amended Motion"). The *Stipulation* did not however claim to resolve Winberg's *Objections* regarding water rights 35-2430 and 35-2434. In its subsequent review of the record, the Court found that neither water right 35-2430 nor 35-2434 were listed on Attachment A or B to the State's *Second Amended Motion*.

Therefore, on November 28, 2011, the Court issued a *Notice of Court's Intent* setting forth the Court's intent to dismiss Winberg's *Objections* regarding water right numbers 35-2430 and 35-2434 on the grounds that they have no basis in law or fact. A hearing was held on the *Notice of Court's Intent* on December 2, 2011. No party appeared in opposition to the Court's proposed action.

Therefore, IT IS ORDERED that Winberg's *Objections* to the Idaho Department of Water Resource's *706 Report and Recommendation* regarding water rights 35-2430 and 35-2434 are hereby dismissed with prejudice.

DATED: December 2, 2011.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING WINBERG'S OBJECTIONS RE: WATER RIGHTS 35-2430 AND 35-2434 WITH PREJUDICE was mailed on December 02, 2011, with sufficient first-class postage to the following:

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

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

SCI PROPERTIES LLC

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

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:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CLEAR SPRINGS FOODS INC
IDAHO POWER COMPANY

Represented by:
JOHN K SIMPSON
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CITY OF POCATELLO

Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702
Phone: 208-331-0950

DEAN R ROGERS INC

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

RICHARD YOUNG

TIMOTHY R EAMES
Represented by:
MATTHEW C DARRINGTON
ROBINSON ANTHON & TRIBE
615 H STREET
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

ORDER

(Certificate of mailing continued)

IDAHO GROUND WATER

Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

B-4 DAIRY LLC

LUIS & SHARON L BETTENCOURT
Represented by:
ROBERT E WILLIAMS
FREDERICKSEN WILLIAMS ET AL
PO BOX 168
JEROME, ID 83338
Phone: 208-324-2303

FARMLAND RESERVE INC

Represented by:
RYAN B FRAZIER
KIRTON & MC CONKIE
60 E SOUTH TEMPLE
PO BOX 45120
SALT LAKE CITY, UT 94145-0120
Phone: 801-328-3600

IDAHO POWER COMPANY

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

FAULKNER LAND & LIVESTOCK CO
NORTH SNAKE GROUND WATER
PERRY & AFTON VAN TASSELL
WRIDE FARMS INC (BART WRIDE)

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

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

GORDON G & ROSE M KING

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

ROBERT A THOMAS

17947 SHORT CUT RD
MURPHY, ID 83650
Phone: 208-834-2638

PAUL BEHREND

2706 W 1800 S
ABERDEEN, ID 83210
Phone: 208-221-0341

NICHOLAS BEHREND

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

ORDER

(Certificate of mailing continued)

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

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
Phone: 303-648-3332

RICHARD SVANCARA
3954 N 750 E
BUHL, ID 83316
Phone: 208-543-8835

BILLY D & MAURINE JACOBSEN
535 BUTTE DR
TWIN FALLS, ID 83301
Phone: 208-733-8034

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