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DEC 22 2011  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |              |
|-------------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| DEC 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     | ) Subcase: 63-33570 & 63-33571 |
|                | )                              |
| Case No. 39576 | ) ORDER GRANTING LATE NOTICES  |
|                | ) OF CLAIM                     |
|                | )                              |
|                | ) ORDER FOR EXPEDITED LATE     |
|                | ) CLAIM DIRECTOR'S REPORT AND  |
|                | ) SETTING FORTH PROCEDURES AND |
|                | ) DEADLINES FOR EXPEDITED      |
|                | ) PROCESS                      |
|                | )                              |

On September 30, 2011, Greg and Ann Obendorf, by and through counsel Dana L. Hofstetter, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. A hearing on the *Motions* was held on December 20, 2011. No party appeared in opposition to either of the *Motions*. At the hearing it was represented to the Court that the late claims were filed as a result of settlement negotiations undertaken in other subcases presently pending unresolved in the SRBA ("related SRBA subcases").<sup>1</sup> 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 the current stage of the proceedings in the related SRBA subcases.

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

<sup>1</sup> Specifically, subcase numbers 63-00127A, 63-00127B, 63-00128A, 63-00128B, 63-00129A, 63-00129B, 63-00130A, 63-00130B, 63-00131A, 63-00131B, 63-00160, 63-00178B, 63-00178C, 63-03201, 63-09744 and 63-21530.

1. The *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 proceedings presently set for the related SRBA subcases.

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 claims and represented that it would be able to prepare *Director's Reports* and recommendations on or before April 30, 2012.

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 the above-captioned water right claims 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 an original of the *Late Claim Director's Report* for each of the above-captioned water right claims with this Court on or before **April 30, 2012** and shall distribute for display and review at least one (1) copy of each 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 Report* for either of the above-captioned water right claims 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 **May 29, 2012**.

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 **June 12, 2012**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the ***Partial Decrees*** as required by I.C. § 42- 1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **Tuesday, June 19, 2012, at 1:30 p.m. (Mountain Time)**, at the **Snake River Basin Adjudication District Court, 253 - 3<sup>rd</sup> 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 January 2012 docket sheet.

IT IS SO ORDERED.

Dated November 21, 2011.

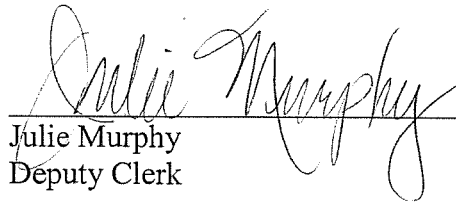
  
\_\_\_\_\_  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER GRANTING LATE NOTICES OF CLAIM and ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT AND SETTING FORTH PROCEDURES AND DEADLINES FOR EXPEDITED PROCESS** were mailed on December 21, 2011, by first-class mail to the following:

DIRECTOR OF IDWR  
PO Box 83720  
Boise, ID 83720-0098

Dana L. Hofstetter  
608 W Franklin St  
Boise, ID 83702

  
\_\_\_\_\_  
Julie Murphy  
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 THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

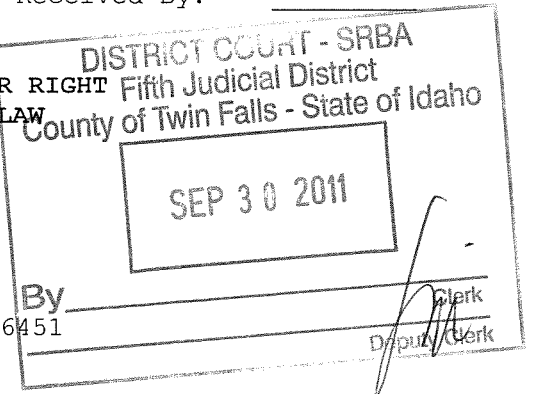
Ident. Number: 63-33570

Date Received:

Receipt No: 2094483

Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW



1. Name of Claimant(s)

GREG AND ANN OBENDORF  
26496 DEB LANE  
PARMA, IDAHO USA 83660

Phone: (208) 722-6451

2. Date of Priority: 03/01/1939

3. Source: SAND HOLLOW CREEK Trib. to: SNAKE RIVER  
UNNAMED DITCH SAND HOLLOW CREEK  
UNNAMED STREAM/COLE SLOUGH SAND HOLLOW CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 OF | 1/4 OF | 1/4 Lot | County                            |
|----------|-------|---------|--------|--------|---------|-----------------------------------|
| 05N      | 05W   | 25      | NE     | NW     |         | CANYON (SAND HOLLOW CREEK)        |
|          |       | 24      | SW     | SE     |         | CANYON (UNNAMED STRM/COLE SLOUGH) |
|          |       |         | SW     | SE     |         | CANYON (UNNAMED DITCH)            |
|          | 04W   | 30      | SW     | NW     | 6       | CANYON (SAND HOLLOW CREEK)        |

5. Description of diverting works:

6. Water is used for the following purposes:

|            |      |       |        |            |
|------------|------|-------|--------|------------|
| Purpose    | From | To    | C.F.S. | (or) A.F.A |
| IRRIGATION | 3/1  | 11/15 | 2.62   |            |

7. Total Quantity Claimed: 2.62 cfs

8. Non-irrigation uses:

9. Place of use:

| TWP   | RNG | SEC | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | Totals |
|-------|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|       |     |     | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 05N   | 05W | 23  |      | 5   | 25  | 12  | 29   |     |     | 17  |      |     |     |     | 35   |     |     | 32  | 155    |
|       |     | 24  |      |     |     |     |      |     |     |     | 2    | 23  | 30  | 34  |      |     | 10  |     | 99     |
|       |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|       |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|       |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|       |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
| Total |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     | 254    |

87 acres within 254 acre permissible place of use.

10. Place of use in counties: CANYON

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks: Points of diversion and permissible place of use are accomplished transfers.

14. Basis of Claim: Beneficial Use

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_.

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimants:

Greg Obendorf

Date: 9/29/11

Ann Obendorf

Date: 9/29/11

17. NOTICE OF APPEARANCE:

Notice is hereby given that I, DANA L. HOFSTETTER, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

DANA L. HOFSTETTER

Hofstetter Law Office, LLC

Address: 608 West Franklin Street, Boise, Idaho 83702

Date: Sept. 30, 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

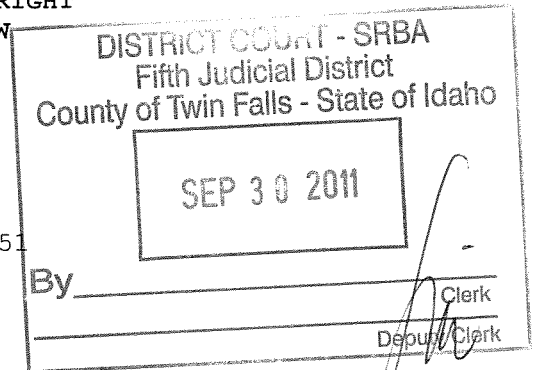
Ident. Number: 63-33571

Date Received:

Receipt No: C094484

Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW



1. Name of Claimant(s)

GREG AND ANN OBENDORF  
26496 DEB LANE  
PARMA, IDAHO USA 83660

Phone: (208) 722-6451

2. Date of Priority: 03/01/1960

3. Source: SAND HOLLOW CREEK Trib. to: SNAKE RIVER  
UNNAMED DITCH SAND HOLLOW CREEK  
UNNAMED STREAM/COLE SLOUGH SAND HOLLOW CREEK

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| Township | Range | Section | 1/4 OF | 1/4 OF | 1/4 Lot | County                            |
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5. Description of diverting works:

6. Water is used for the following purposes:

|            |      |       |        |            |
|------------|------|-------|--------|------------|
| Purpose    | From | To    | C.F.S. | (or) A.F.A |
| IRRIGATION | 3/1  | 11/15 | 5.03   |            |

7. Total Quantity Claimed: 5.03 cfs

8. Non-irrigation uses:

9. Place of use:

| TWP | RNG | SEC | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | Totals |
|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|     |     |     | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
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|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |

Total 254

167 acres within 254 acre permissible place of use.

10. Place of use in counties: CANYON

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks: Points of diversion and permissible place of use are accomplished transfers.

14. Basis of Claim: Beneficial Use

15. Signature(s)

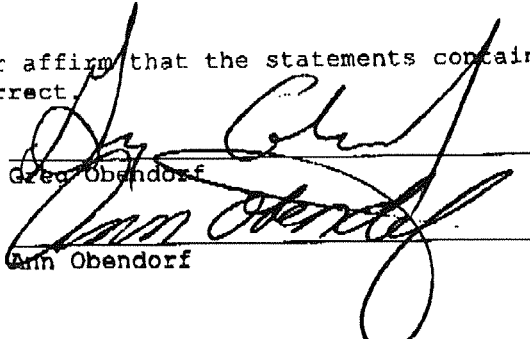
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Number of attachments: \_\_\_\_\_.

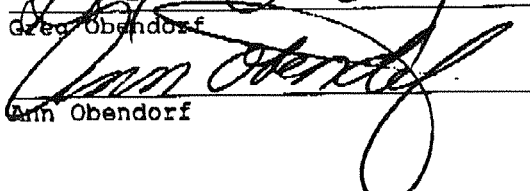
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimants:

  
Greg Obendorf

Date: 9/28/11

  
Ann Obendorf

Date: 9/29/11

17. NOTICE OF APPEARANCE:

Notice is hereby given that I, DANA L. HOFSTETTER, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

  
DANA L. HOFSTETTER

Hofstetter Law Office, LLC

Address: 608 West Franklin Street, Boise, Idaho 83702

Date: Sept. 30, 2011