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DEPARTMENT OF
WATER RESOURCES

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

JAN 19 2012

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 Nos.: 22-14000, 29-13209, 33-14898, 37-
) 2543 and 63-160
)
) ORDER REMOVING WATER RIGHTS 29-
) 13209, 37-2543 AND 63-160 FROM
) ATTACHMENT 2 TO JUNE 10, 2011
) DIRECTOR'S REPORT
)
) FINAL ORDER DISALLOWING WATER
) RIGHT CLAIMS 22-14000 and 33-14898
)

On June 10, 2011, the Idaho Department of Water Resources ("Department") filed its *Director's Report of Late Claims for IDWR Basins 22, 29, 31, 33, 36, 37, 41, 47, 63, 75, 84 & 85*. On November 18, 2011, the Department filed a *Notice of Filing of Statement of Unobjected to Portions of the June 10, 2011, Director's Report of Late Claims for IDWR Basins 22, 29, 31, 33, 36, 37, 41, 47, 63, 75, 84 & 85* ("Statement"). Attached as "Attachment 2" to the *Statement* was a list of those late claims reported in the June 10, 2011 *Director's Report* that were recommended disallowed and for which no objections were filed. The Attachment 2 list contained the following five water right claims: 22-14000, 29-13209, 22-14898, 37-2543 and 63-160.

A hearing on the uncontested late claims was held before the Court on January 17, 2012. Several of the water rights identified in Attachment 2 were discussed at the hearing. With respect to water rights 37-2543 and 63-160, the Court found in its review of the files that objections have been filed to the recommendations for these two water rights. As a result, the Court determined that these water rights should be removed from the Attachment 2 list. No objections were raised to removing water rights 37-2543 and 63-160 from the Attachment 2 list.

With respect to water right 29-13209, the parties agreed that this water right was listed on Attachment 2 as a result of a transcription error.¹ The water right number that should have been listed in its stead was water right number 29-13298, as that right was recommended disallowed in the June 10, 2011 *Director's Report* and no objection was filed to the recommendation. As a result, the Court determined to remove water right number 29-13209 from the Attachment 2 list. The Court further determined that a *Notice of Court's Intent* to disallow water right number 29-13298 would be issued via a separate order. No objections were raised to the taking of these actions.

THEREFORE THE FOLLOWING ARE HEREBY ORDERED:

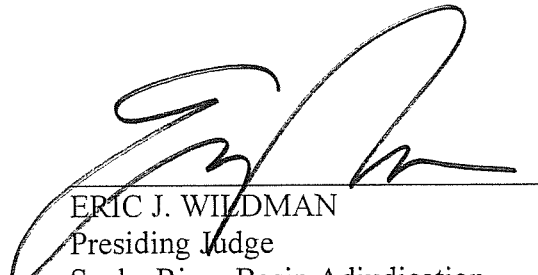
1. Water right claims 22-13209, 37-2543 and 63-160 are hereby removed from Attachment 2 to the November 18, 2011 *Statement*.
2. Water right claims 22-14000 and 33-14898, which claims were listed on Attachment 2 to the November 18, 2011 *Statement*, are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED

January 19, 2012


ERIC J. WILDMAN

Presiding Judge

Snake River Basin Adjudication

¹ Water right 29-13209 was partially decreed in the SRBA in 2004.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REMOVING WATER RIGHTS FROM ATTACHMENT 2 TO 6/10/11 DIRECTOR'S REPORT/FINAL ORDER DISALLOWING WATER RIGHT CLAIMS was mailed on January 19, 2012, with sufficient first-class postage to the following:

DAVID A SIMON

Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

ANN OBENDORF

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

DOYLE JAY HANSON

NANCY C HANSON
Represented by:
ROBERT H WOOD
RIGBY ANDRUS RIGBY CHARTERED
25 NORTH 2ND EAST
PO BOX 250
REXBURG, ID 83340
Phone: 208-356-3633

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

DON O CALLISTER
1496 W 3700 N
HOWE, ID 83244
Phone: 208-767-3117

GERALD BEEBE
5202 LUCKY
CHUBBUCK, ID 83202
Phone: 208-237-7414

