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DEPT. OF WATER RESOURCES

**IDAHO DEPARTMENT OF WATER RESOURCES
SPRING 2013 CASE MANAGEMENT REPORT**

**Objections to the June 2013 Director's Report
of Late Claims and Miscellaneous Claims**

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT - 7 2013
Clerk
Deputy Clerk

The Idaho Department of Water Resources (IDWR) submitted a Director's Report of Late Claims and Miscellaneous Claims (Report) on June 20, 2013. The Report contained recommendations of late claims filed in IDWR administrative basins 02, 21, 22, 31, 36, 37, 45, 47, 51, 61, 63, 65, 74, 77 and 85. The objection period closed on August 23, 2013; the response period is open until November 25, 2013. There were 13 timely objections filed to the recommendations of 13 water rights, resulting in new 13 subcases. Information regarding these subcases, listed numerically, is provided below. Related subcases are grouped together. Contested overlapping rights are shown in bold typeface.

OBJECTIONS

Rivendale Objections:

Rivendale LLC filed objections to the recommendations of claims 02-2010A, 02-2010B, 02-2049 and 02-2050 as shown below. These rights are related to rights 02-83 and 02-2033, claimed by Indian Cove Irrigation District, and reported in 2006. The Indian Cove rights were partially decreed in 2009, but the claimant moved to set those partial decrees aside in January 2013. In June 2013, the Court ordered a proposed amended director's report for rights 02-82 and 02-2033, and set an objection deadline of September 30, 2013. IDWR reported the rights and Indian Cove filed timely objections. Both subcases are set for a status / scheduling conference on October 22, 2013. IDWR suggests this entire group of related rights be tracked together at some point. Indian Cove right 02-2097A was reported in the Spring 2013 Report, but the objection Indian Cove submitted was filed after the objection deadline of August 23. On October 2, Rivendale LLC filed a response to that late objection. The late objection is not considered here.

Subcase No. Assigned Agent	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Overlapping Rights	Source	Basis of Claim	Issue(s)
02-2010A Agent: Carter Fritschle	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	Rivendale LLC/ John Marshall	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	02-83, 02-2010B, 02-2033, 02-2097A	Snake River	License	POD; POU
02-2010B Agent: Carter Fritschle	Rivendale LLC/ John Marshall	Rivendale LLC/ John Marshall	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	02-83, 02-2010A, 02-2033, 02-2097A	Snake River	License	POU

Subcase No. Assigned Agent	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Overlapping Rights	Source	Basis of Claim	Issue(s)
02-2049 Agent: Carter Fritschle	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band Andrew & Lorna Johnson/ Pro Se	Rivendale LLC/ John Marshall	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	02-83, 02-2033, 02-2050, 02-2097A	Snake River	License	POD
02-2050 Agent: Carter Fritschle	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	Rivendale LLC/ John Marshall	Wilson & Wilson Co. Inc./ Terry Copple & Michael Band	02-83, 02-2033, 02-2049, 02-2097A	Snake River	License	POD

Fish and Game Objections:

State of Idaho, Department of Fish and Game, objected to rights 21-2039 and 21-2170, which are related to partially decreed State of Idaho rights 21-14, 21-15, 21-2153, 21-2159, 21-4006, 21-4007, 21-4008 and 21-7151. The State of Idaho has moved to set aside these partial decrees; the motion was heard September 25, 2013, but continued to October 23, 2013. IDWR suggests this entire group of related rights be tracked together.

Subcase No. Assigned Agent	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Overlapping Rights	Source	Basis of Claim	Issue(s)
21-2039 Agent: Carter Fritschle	State of Idaho (F&G)/ Ann Vonde	State of Idaho (F&G)/ Ann Vonde	N/A	21-14, 21-15, 21-2153, 21-2159, 21-2170, 21-4006, 21-4007, 21-4008, 21-7151	Blue Creek	License	Source
21-2170 Agent: Carter Fritschle	State of Idaho (F&G)/ Ann Vonde	State of Idaho (F&G)/ Ann Vonde	N/A	21-14, 21-15, 21-2039, 21-2153, 21-2159, 21-4006, 21-4007, 21-4008, 21-7151	Blue Creek	License	Source

¹ The State of Idaho also objected to rights 21-2039 and 21-2170 for not being recommended, but both rights were reported as valid rights.

Miscellaneous Objections:

Subcase No. Assigned Agent	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Overlapping Rights	Source	Basis of Claim	Issue(s)
31-7419 ² Agent: Carter Fritschle	Natural Guardian LLC/ Luke Marchant	State of Idaho (IDL)/ Tyson Nelson	N/A	N/A	Ground Water	License	Name & Address; POU
37-2628 ³ Agent: Carter Fritschle	City of Ketchum/ Bruce Smith	City of Ketchum/ Bruce Smith	N/A	37-4413, 37-4414--both partially decreed. Possible impact if 37-2628 recognized as valid right	N/A	N/A	Disallowed--right should be recommended as a valid right
37-12388 ⁴ Agent: Steve Clelland	Larry M. Cooper /Pro Se	Gary Hoffman Pres. of Sun Valley Trailer Parks/ Andy Waldera	N/A	All overlaps have been partially decreed	Ground Water	Beneficial Use	Name & Address; Quantity; Priority Date; Purpose; POU
63-9457 ⁵ Agent: Steve Clelland	State of Idaho (IDL)/ Tyson Nelson	State of Idaho (IDL)/ Tyson Nelson	N/A	N/A	Spring	License	POD; POU
63-33667 ⁶ Agent: Jan Shurte	Charles Madenford Family Trust/ Pro Se	Gary Madenford, Trustee – The Charles Madenford Family Trust/ Pro se	N/A	63-33605	Ground Water	Beneficial Use	Priority Date; Purpose of Use
63-33739 ⁷ Agent: Carter Fritschle	Nampa & Meridian Irrigation Dist./ Daniel Steenson	State of Idaho (F&G)/ Harriet Hensley	N/A	N/A Digital Boundary	Springs	Beneficial Use	Priority Date

² Subcase 31-7419 is set for status conference October 23 at 10:30 am.

³ Subcase 37-2628 is set for status conference October 23 at 11:00 am.

⁴ Subcase 37-12388 is set for status conference October 23 at 11:30 am.

⁵ Signed Standard Form 5(SF5) is in IDWR's possession—will be filed once response deadline (November 25, 2013) is passed with no additional filings.

⁶ Motion to File Amended Notice of Claim filed July 10, 2013. Hearing is set for October 15, 2013.

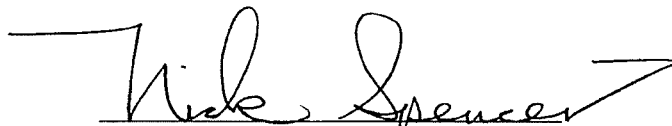
⁷ SF5 is currently routing in this subcase.

Subcase No. Assigned Agent	Claimant / Attorney	Objector / Attorney	Respondent / Attorney	Overlapping Rights	Source	Basis of Claim	Issue(s)
63-33740 Agent: Jan Shurte	Einar & Lynn Norton/ Pro Se	Einar Norton/ Pro Se	N/A	All overlaps have been partially decreed	Ground Water	Beneficial Use	POU

Pursuant to I.C. 42-1412(2), the original notices of claims for the subcases identified herein are enclosed with this Report.

CONCLUSION

This Spring 2013 Case Management Report is respectfully submitted this 4TH day of October 2013.



Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR