

RECEIVED

DEC 23 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 20 2013	
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.: 63-33855 & 63-33856
)
) 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, 2013, the Tina Iest Family LLLP, filed *Motions to File Late Notice of Claim* for the above-captioned water rights. A hearing on the *Motions* was held on December 17, 2013. No party appeared in opposition to the *Motions*. In addition to the above-captioned late notices of claim, the Tina Iest Family LLLP has various other water right claims presently pending unresolved in the SRBA. At the hearing, it was represented to the Court that the late claims are associated with, relate to, and are being filed in connection with the resolution of water right claims 63-174, 63-175 and 63-201, which are currently pending unresolved before Special Master Booth. It was also represented to the Court by the Idaho Department of Water Resources that, if granted, these late claims would be candidates for expedited late claim director's reports given the current stage of the proceedings for water right claims 63-174, 63-175 and 63-201.

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

1. This *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late notices of claim. Although this Court previously entered an *Order* in Basin 63 closing the Basin to the filing of late claims

generally, an exception to that *Closure Order* was that late claims could be filed to resolve pending litigation in Basin 63. The Court finds that these claims are being filed in resolution of pending SRBA litigation in subcase numbers 63-174, 63-175 and 63-201. Therefore, good cause exists for granting the instant *Motions*.

2. In limited circumstances it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed. 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.

3. In this case IDWR does not oppose filing a *Director's Report* for the late claims given the current stage of the proceedings for water right claims 63-174, 63-175 and 63-201, and represented that it would be able to prepare *Director's Reports* and recommendations in a short time period.

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 water right claims **63-33855 & 63-33856** 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 an expedited *Late Claim Director's Report* for the above-captioned water right claims, 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 claims with this Court on or before **January 31, 2014**, 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* for either of the above-captioned water right claims may do so on or before **February 28, 2014**.

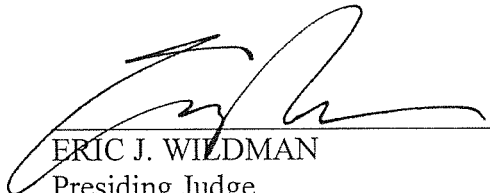
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed on or before **March 14, 2014**.

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 **March 18, 2014, at 1:30 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 January 2014 docket sheet.

IT IS SO ORDERED.

Dated December 20, 2013


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 NOTICES OF CLAIM / ORDER FOR EXPEDITED DIRECTOR'S REPORT AND SETTING FORTH PROCEDURES & DEADLINES was mailed on December 20, 2013, with sufficient first-class postage to the following:

THE TINA IEST FAMILY LLLP

Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509
Phone: 208-424-7800

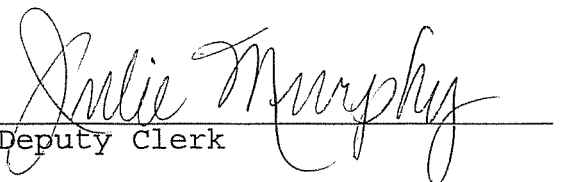
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 12/20/13

FILE COPY FOR 02418

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

RECEIVED

DEC 23 2013

DEPARTMENT OF
WATER RESOURCES

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

SEP 30 2013

CIVIL CASE NUMBER: 39576

By _____

Ident. Number: 63-33855

Date Received: 12-23-13

Receipt No: C098104

Received By: HP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE TINA IEST FAMILY L.L.L.P.
C/O HELEN TIDWELL
5700 SOUTH LINDER ROAD
MERIDIAN, IDAHO 83642

Phone: (208)888-3325

2. Date of Priority: 04/01/1946

3. Source: MAMMON GULCH CREEK Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 OF 1/4 OF 1/4 Lot	County
05N	05W	34	SE NE	CANYON

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	4.25	

7. Total quantity claimed: 4.25 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	27	20	15		40													75
		26							10										10
Total																			85

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 at the same place and for the same purposes as described above: 63-174, 63-175, 63-201, 63-5179, 63-5181, 63-5182

13. Remarks:

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: 0.

For Organizations:

I/We do solemnly swear or affirm under penalty of perjury that I am the General Partner of The Tina Iest Family L.L.L.P., that I have signed the foregoing document in the space below as the General Partner of The Tina Iest Family L.L.L.P., and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: Helen C. Tidwell Date: 9/30/13
Helen C. Tidwell
General Partner, The Tina Iest Family L.L.L.P.

16. 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
DANA L. HOFSTETTER
Hofstetter Law Office, LLC

Address: 608 West Franklin Street, Boise, Idaho 83702

Date: September 30, 2013