

LATE CLAIM DIRECTOR'S REPORT

Water Right Nos. 63-33855 and 63-33856

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Carter Fritschle, Manager, Adjudication Section

January 30, 2014

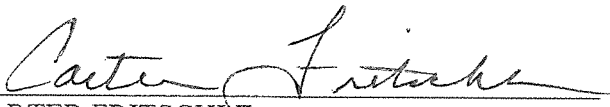
DESCRIPTIVE SUMMARY

This is a Late Claim Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Order Granting Late Notices of Claim; Order for Expedited Late Claim Director's Report And Setting Forth Deadlines For Expedited Process* issued by Judge Eric J. Wildman on December 20, 2013 (see attached), the Director submits for filing with the Court this Late Claim Director's Report for Water Right Nos. 63-33855 and 63-33856.

Respectfully submitted this 31st day of January, 2014.


CARTER FRITSCHLE
Manager, Adjudication Section

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-33855	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	No beneficial use found.

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
63-33856	THE TINA IEST FAMILY LLLP C/O HELEN TIDWELL 5700 S LINDER RD MERIDIAN ID 83642	Disallowed	No beneficial use found.

CERTIFICATE OF SERVICE

I certify that on January 31st, 2014, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

CLIVE STRONG
CHIEF, DIVISION OF NATURAL RES
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

CANYON COUNTY COURTHOUSE
1115 ALBANY STREET
CALDWELL, ID 83605

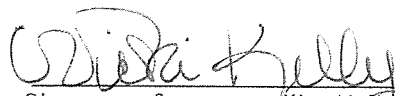
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☐ Facsimile

ESTATE OF TINA IEST
THE TINA IEST FAMILY LLLP
Represented by:
DANA L HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702-5509

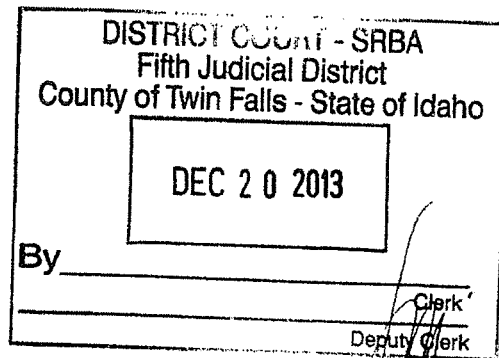
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IDWR DOCUMENT REPOSITORY
PO BOX 83720
BOISE, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person mailing/delivering form



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 nos.: 63-33855 & 63-33856
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, 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**.

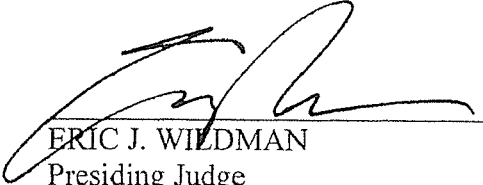
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed on or before **March 14, 2014**.

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

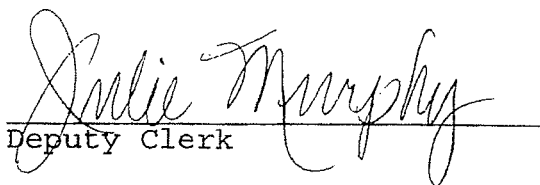
CERTIFICATE OF MAILING

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".