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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 19 2014
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

) WATER RIGHT NOS.: 73-12121 and 73-
) 12122
)
) ORDER GRANTING MOTION TO SET
) ASIDE PARTIAL DECREES
)
) ORDER FOR EXPEDITED DIRECTOR'S
) REPORT AND SETTING FORTH
) PROCEDURES AND DEADLINES FOR
) EXPEDITED PROCESS
)
)
)
)

Partial Decrees were issued for the above-captioned water rights on June 9, 2009. On March 10, 2014, Chris Drakos and Chris Drakos Enterprises, Inc., (collectively, "Drakos") filed a *Motion to Set Aside Partial Decrees*, requesting that this Court set aside the *Partial Decrees*. A hearing on the *Motion* was held on June 17, 2014. No one appeared in opposition to the *Motion*.

Following a review of the files and after hearing the comments made in open court, the Court found that Drakos had set forth sufficient grounds to set aside the *Partial Decrees*. The justifications and rationale supporting the Court's holding were orally set forth on the record at the June 17, 2014, hearing. At the hearing, it was represented to the Court by the Idaho Department of Water Resources ("IDWR") that, if the *Motion* was granted, the Department would prepare *Amended Director's Reports* and submit them with the Court. The Department further represented that the *Amended Director's Reports* would be candidates to be prepared and submitted on an expedited basis.

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

1. The *Motion to Set Aside Partial Decrees* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the *Motion*. The Court finds that Drakos has set forth sufficient grounds to justify the setting aside of the *Partial Decrees* for the above-captioned water rights.

2. In limited circumstances it is preferable to have *Director's Report* for certain claims individually prepared and filed. This is on a case-by-case basis and provided IDWR does not oppose preparing and filing an expedited *Director's Report*.

3. In this case IDWR does not oppose preparing and filing expedited *Amended Director's Reports*, given that the final regularly scheduled SRBA director's report was filed December 31, 2013. IDWR represented that it would be able to prepare the expedited *Amended Director's Reports* in a short time period.

4. This Court therefore finds that under the circumstances the issuance of expedited *Amended Director's Reports* is appropriate.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to Set Aside Partial Decrees* **is hereby granted.**

IT IS HEREBY FURTHER ORDERED that the *Partial Decrees* for the above-captioned water right claims **are hereby set aside.**

IT IS HEREBY FURTHER ORDERED that the Director issue expedited *Amended Director's Reports* 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 *Amended Director's Reports*: The Director shall file an original of the *Amended Director's Reports* for the above-captioned water right claims with this Court on or before **July 18, 2014**, and shall distribute for display and review at least one (1) copy of the *Amended 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 *Amended 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 Amended Director's Report: Any party wishing to file an objection to the *Amended Director's Reports* may do so on or before **July 31, 2014**.

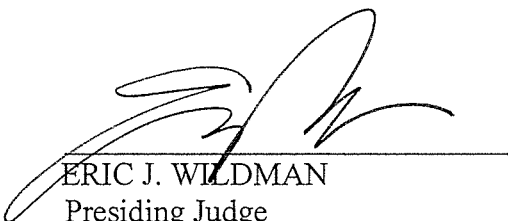
3. Deadline for the filing of responses to objections to Amended Director's Reports: Responses to objections to the *Amended Director's Reports* must be filed on or before **August 15, 2014**.

4. Hearing on uncontested claim: In the event no objections are filed, the Court will hold a hearing on the entry of the *Partial Decree* as required by I.C. § 42- 1412(7). **NOTICE IS HEREBY GIVEN** that the hearing will be held on **August 19, 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 July 2014 docket sheet.

IT IS SO ORDERED.

Dated June 19, 2014


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO SET ASIDE PARTIAL DECREES / ORDER FOR EXPEDITED DIRECTOR'S REPORT / SETTING DEADLINES was mailed on June 19, 2014, with sufficient first-class postage to the following:

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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 "Deputy Clerk" text.