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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 22 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.: 24-10790, 24-10791, 24-
) 10792 & 24-10727
)
) ORDER GRANTING LATE NOTICE OF
) CLAIM
)
) ORDER FOR EXPEDITED LATE CLAIM
) DIRECTOR'S REPORT AND
) SETTING FORTH PROCEDURES AND
) DEADLINES FOR EXPEDITED PROCESS

On December 1, 2011, this Court entered an *Order* in SRBA subcase no. 00-92099 and Twin Falls County Case No. 39576 closing Basin 24 to the filing of non-deferrable late claims ("*Order*").¹ On July 30, 2014, Chris and Doris Barney filed a *Motion to File Late Notice of Claim* for water right claim 24-10727. On July 31, 2014, Fern Weber, Robert Weber and Kyle Weber filed *Motions to File Late Notice of Claim* for water right claims 24-10790, 24-10791, 24-10792, respectively.² Each *Motion* involves claims for water diverted in the State of Wyoming and used in the State of Idaho. A hearing on the *Motions* was held on October 21, 2014. No one appeared in opposition to the *Motions*.

Following a review of the files and after hearing the comments made in open court, the Court found that the claimants for these water rights had set forth sufficient grounds to justify the setting aside the *Order* closing claims taking in Basin 24 pursuant to Idaho Rule of Civil Procedure 60(b)(6). The justifications and rationale supporting the Court's holding were orally set forth on the record at the October 21, 2014, hearing. Additionally, the Court, for the reasons set forth on the record, found good cause and a meritorious position for the *Motions to File Late*

¹ The *Order* was entitled *Order Closing Claims Taking Basins 23, 24, 25, 43, 51, 55, 57, 61, 81, 82, 83, 84, 85, and 86 and Disallowal of Unclaimed Water Rights*.

² All of the *Motions to File Late Notice of Claim* at issue were filed prior to the Court's entry of the SRBA *Final Unified Decree*.

Notice of Claim. At the hearing, it was represented to the Court by the Idaho Department of Water Resources (“IDWR”) that, if granted, these late claims would be candidates for expedited late claim director’s reports.

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

1. The *Motions to File Late Notice of Claim* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the *Motions*. The Court also notes these *Motions* were filed and pending before the Court prior to its entry of the *SRBA Final Unified Decree*. Although this Court previously entered an *Order* closing Basin 24 to the filing of late claims generally, the Court finds that the claimants have set forth sufficient grounds to justify the setting aside of that *Order* for the limited purposes of allowing the filing of the instant late claims.

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 IDWR does not oppose preparing and filing an expedited *Late Claims Director’s Report*.

3. In this case IDWR does not oppose preparing and filing an expedited *Late Claim Director’s Report* for the late claim, given that the final regularly scheduled SRBA late claims director’s report was filed December 31, 2013.

4. This Court therefore finds that under the circumstances the issuance of expedited *Late Claim Director’s Reports* for the above-captioned claim is appropriate.

THEREFORE, IT IS HEREBY ORDERED that this Court’s *Order Closing Claims Taking Basins 23, 24, 25, 43, 51, 55, 57, 61, 81, 82, 83, 84, 85, and 86 and Disallowal of Unclaimed Water Rights* dated December 1, 2011, **is hereby set aside** for the limited purpose of allowing for the filing of the instant *Motions to File Late Notice of Claim*.

IT IS HEREBY FURTHER ORDERED that the *Motions to File a Late Notice of Claim* for the above-captioned water right claims are **granted**.

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 claims:

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 **February 27, 2015**, 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* may do so on or before **March 27, 2015**.

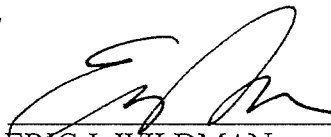
3. Deadline for the filing of responses to objections to *Late Claim Director's Report*: Responses to objections to the *Late Claim Director's Report* must be filed on or before **April 17, 2015**.

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 **April 21, 2015, 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 dates, on the November 2014 docket sheet.

IT IS SO ORDERED.

Dated October 22, 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 LATE NOTICE OF CLAIM / ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT AND SETTING DEADLINES was mailed on October 22, 2014, with sufficient first-class postage to the following:

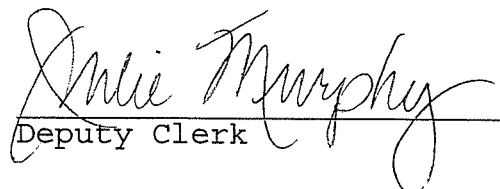
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