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DEPARTMENT OF
WATER RESOURCES

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

NOV 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 NO: 21-13193
)
) ORDER GRANTING LATE NOTICE OF
) CLAIM
)
) ORDER FOR EXPEDITED LATE CLAIM
) DIRECTOR'S REPORT AND
) SETTING FORTH PROCEDURES AND
) DEADLINES FOR EXPEDITED PROCESS
)
)

On April 25, 2012, this Court entered an *Order* in SRBA subcase no. 00-92099 and Twin Falls County Case No. 39576 closing Basin 21 to the filing of non-deferrable late claims (hereinafter, "*Order*").¹ On August 8, 2014, the North Fork Reservoir Company filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on November 18, 2014. No one appeared in opposition to the *Motion*.

Following a review of the file and after hearing the comments made in open court, the Court found that the North Fork Reservoir Company had set forth sufficient grounds to justify the filing of the *Motion*. The justifications and rationale supporting the Court's holding were orally set forth on the record at the November 18, 2014, hearing. Additionally, the Court, for the reasons set forth on the record, found good cause and a meritorious position for the *Motion to File Late Notice of Claim*. At the hearing, it was represented to the Court by the Idaho Department of Water Resources ("IDWR") that, if granted, this late claim would be a candidate for an expedited late claim director's report given the current stage of Snake River Basin Adjudication.

¹ The *Order* was entitled *Order Closing Claims Taking Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78 and 79 and Disallowal of Unclaimed Water Rights*.

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

1. The *Motion to File Late Notice of Claim* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to the *Motion*. The Court also notes the *Motion* was filed and pending before the Court prior to its entry of the *SRBA Final Unified Decree*. Although this Court previously entered an *Order* in Basin 21 closing the Basin to the filing of late claims generally, the Court finds that this claim was filed as a result of ongoing litigation, and therefore fits into one of the exceptions to the closure set forth in this Court's *Order*.

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 the *Motion to File a Late Notice of Claim* for water right claim 21-13193 is **granted**. The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to IDWR 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 claim, 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 claim with this Court on or before **January 30, 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 **February 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 **March 20, 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 date, on the December 2014 docket sheet.

IT IS SO ORDERED.

Dated November 19, 2014



ERIC J. WILMAN
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 & SETTING PROCEDURES & DEADLINES was mailed on November 19, 2014, with sufficient first-class postage to the following:

NORTH FORK RESERVOIR CO

Represented by:

JERRY R RIGBY

25 N 2ND E

PO BOX 250

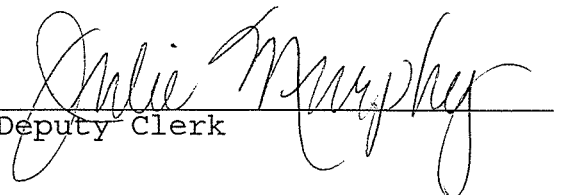
REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and extends slightly above and below the line.