

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10545

NAME AND ADDRESS: BANNOCK JIM SLOUGH CANAL CO
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 06/01/1898

POINT OF
DIVERSION:

T05N R39E S35 SENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

4.000 CFS

PLACE OF USE:

494 ACRES TOTAL

Place of use is within the area served by Bannock Jim Slough Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use does not include federal public lands.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 494 acres in a single irrigation season. Combined Right Nos.: 1-139, 1-140, and 1-10545.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is old Right No. 22-650.

Water is delivered through Bannock Jim Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-650

WATER RIGHT NUMBER: 22-650

1 - 10545 prepared 12/18/07

Owner Type Name and Address
 Current Owner OTTO ANDERSON
 , ZZ

Priority Date: 06/01/1898

Basis: Decreed

Status: Active

Source Tributary
 BANNOCK JIM SLOUGH SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion
 BANNOCK JIM SLOUGH

Place of Use
 IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 39E 20								X	X					X	X	X	160
								L3	L4					40	65	66	

lots 3,4,5,6

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Warranty Deed
(IDAH00)

Know All Men by These Presents, that **ERVIN B. SMITH and JOYCE B. SMITH**
a/k/a **JOYCE A. SMITH and JOYCE ADAIR SMITH**, his wife, of Rexburg,

only

..MCMCM..

of the County of **Madison**

State of

Idaho

part **188** of the first part, for and in consideration of the sum of **FIFTY THOUSAND AND NO/100---**

.....Dollars (\$ **50,000.00**).

in lawful money of the United States of America, and other valuable consideration, to **them**

in hand paid by **BOYD E. SMITH**

and

PEGGY W. SMITH

of Rexburg, Madison County, Idaho,

his wife/hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL, and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of **Madison**

State of Idaho, to wit:

PARCEL 1: Lots 3, 4, 5 and 6, and the Southwest Quarter of the North-
east Quarter and the Northwest Quarter of the Southeast Quarter of
Section 20.

Parcel No. 2: Commencing at a point approximately 330 feet South of the
old accepted Northwest corner of the Southwest Quarter of Section 21
(which point is 134 feet South of the Brass Cap, established by the General
Land Office in 1959, not yet accepted), and running thence West 1320 feet
to the West line of the Northeast Quarter of the Southeast Quarter of
Section 20; thence South approximately 250 feet to the North Bank of the
South Fork of Snake River; thence meandering along said river bank in a
Southeasterly direction to the South line of said Northeast Quarter of
the Southeast Quarter of said Section 20; thence due East 825 feet, more
or less, to the Southeast corner of said Northeast Quarter of the
Southeast Quarter; thence North 145.7 feet; thence angling into the
Northwest Quarter of the Southwest Quarter of Section 21, on a course
North 30°30' East 175.3 feet; thence North 56°20' East 160.9 feet;
thence North 70°0' East 261.3 feet; thence North 02°20' West 110 feet;
thence North 39°10' West 379.8 feet; thence North 51°0' West 161.9 feet;
thence North 26°13' West 222.8 feet, more or less, to the West line of
said Southwest Quarter at the true point of beginning.

Both tracts being situated in Township 5 North, Range 39 East, Boise
Meridian.

* * * * *

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to 15
shares of the capital stock of the Liberty Park Canal Company; also
200 inches of the waters of Bannock Jim Slough.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within the
boundaries of Flood Control District No. 1.

Subject, as to Parcel 1, to the easement granted to Flood Control
District No. 1 as disclosed by the instrument recorded February 25,
1949, in Volume 161 of Miscellaneous Records at Page 391, records of
Madison County, Idaho.

Subject, as to Parcel 2, to the easement granted to Flood Control
District No. 1 as disclosed by the instrument recorded February 25,
1949, in Volume 161 of Miscellaneous Records at Page 389, records of
Madison County, Idaho.

Subject to the easements across portions of the above described premises
as disclosed by the instruments in favor of Intermountain Gas Company
recorded August 27, 1965, as Instrument No. 127477 and recorded November
15, 1965, as Instrument No. 127950, both in the records of Madison County,
Idaho.

RECORDED
INDEXED

RECORDED

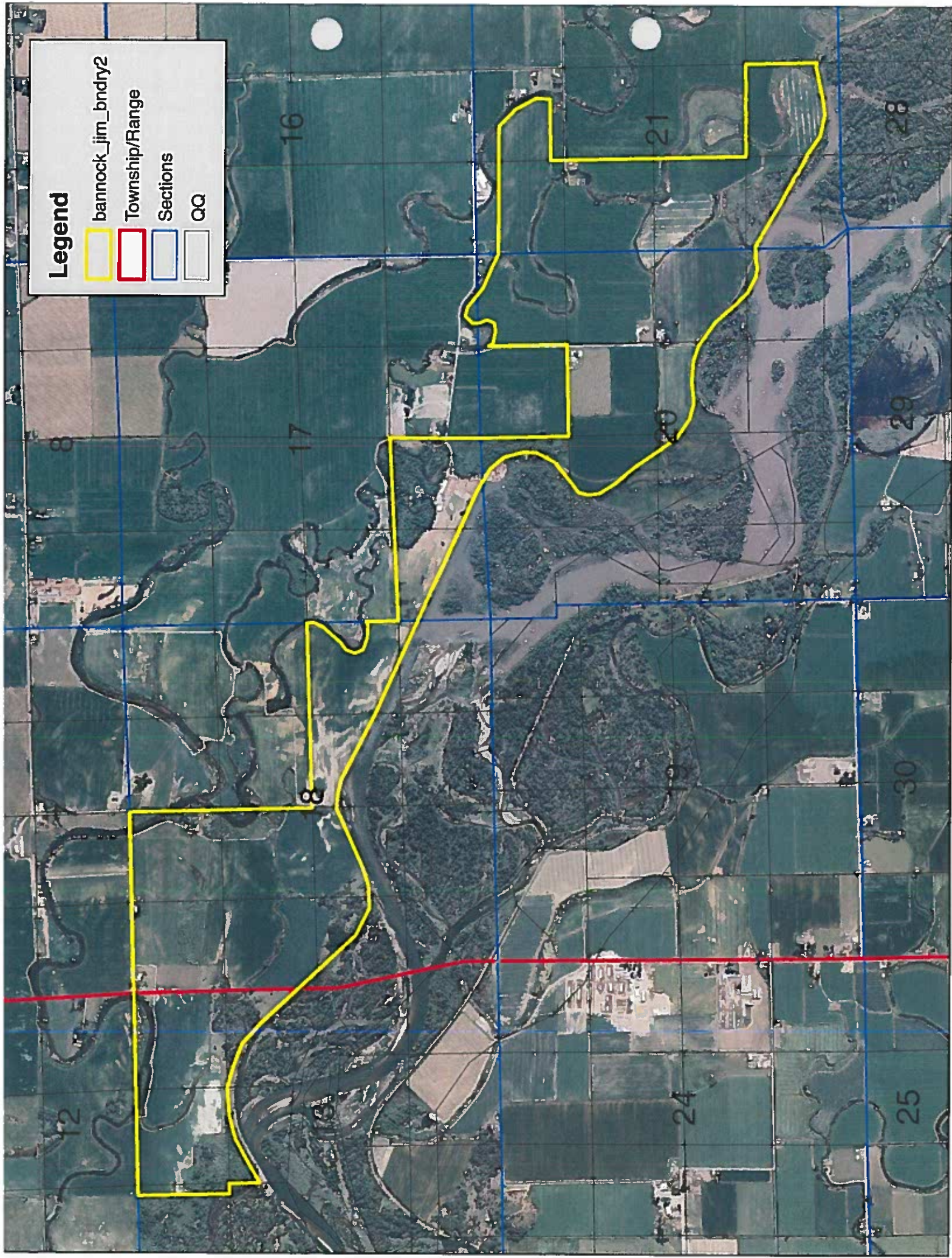
Legend

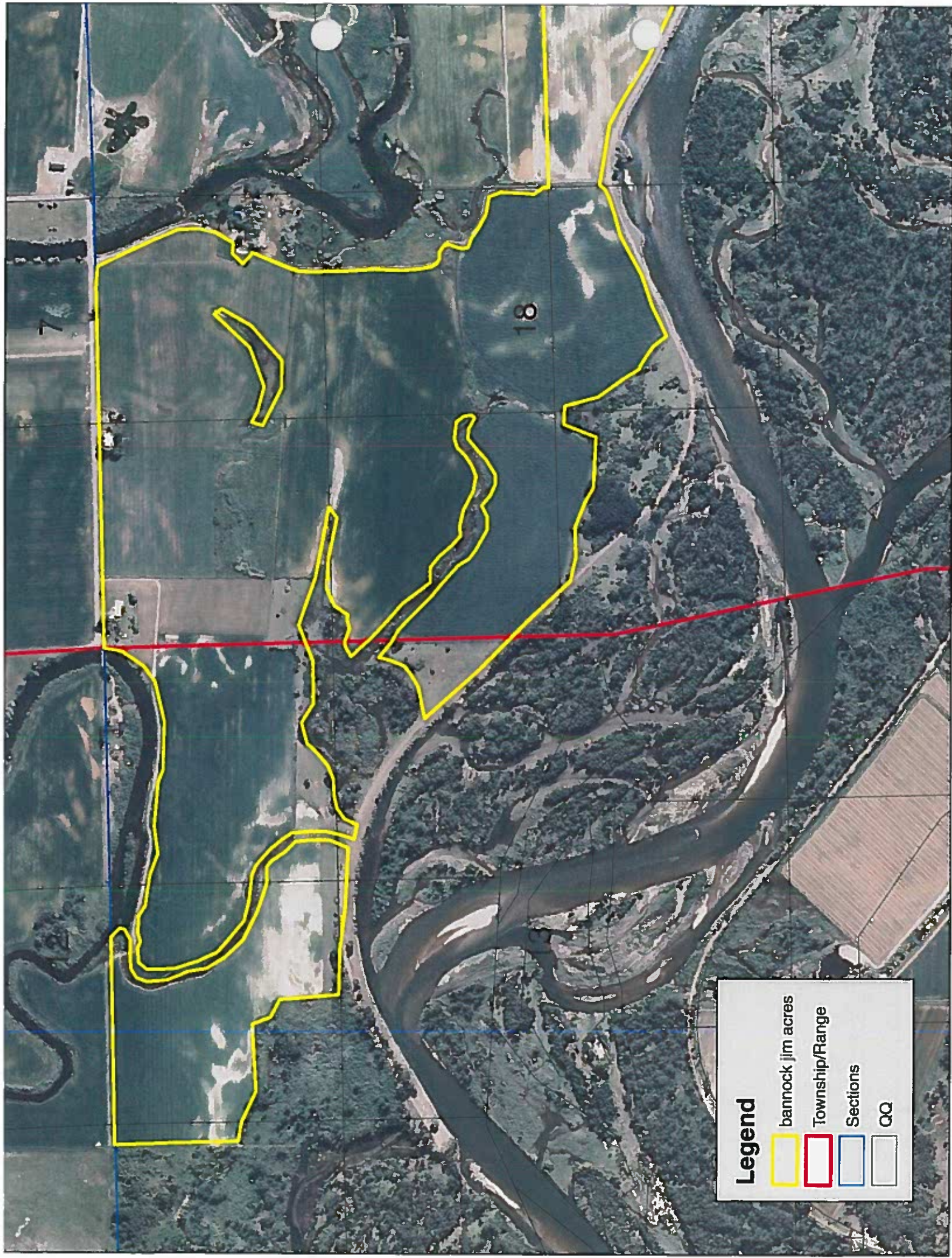
bannock_jim_bndry2

Township/Range

Sections

QQ





Legend

 bannock jim acres

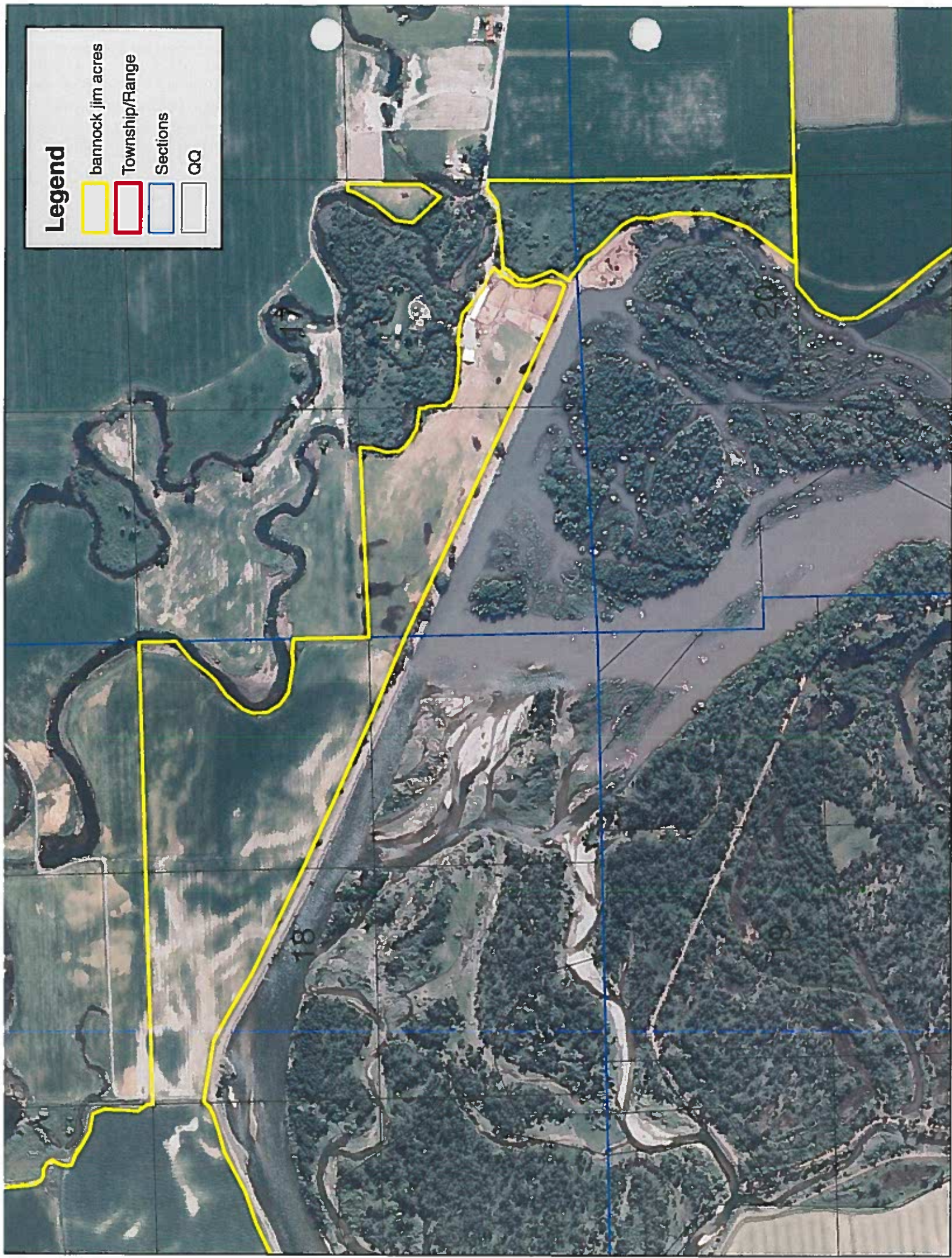
 Township/Range

 Sections

 QQ

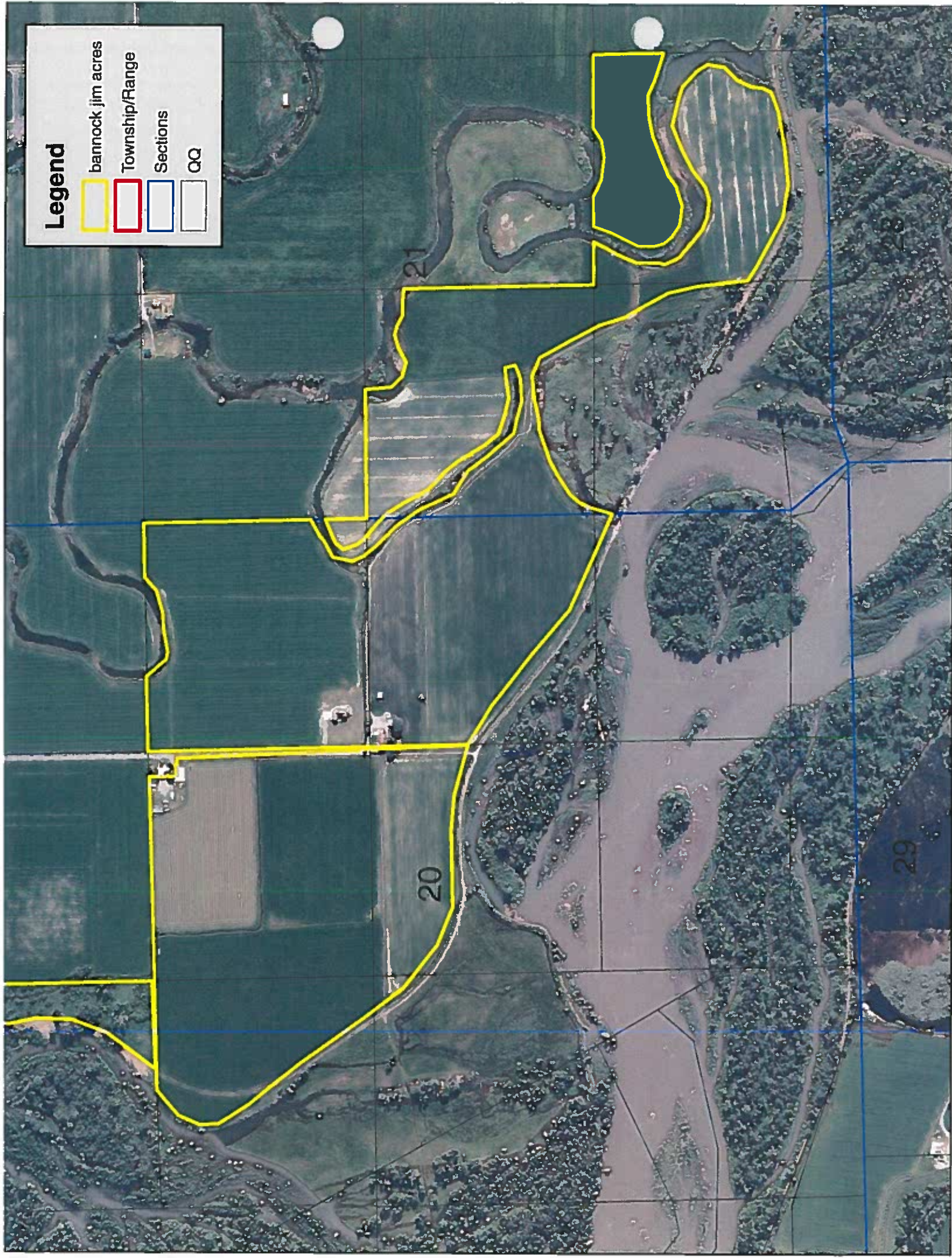
Legend

- bannock jim acres
- Township/Range
- Sections
- QQ



Legend

- bannock jim acres
- Township/Range
- Sections
- QQ





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 27, 2010

RAY RIGBY
RIGBY ANDRUS & MOELLER CHTD
PO BOX 250
REXBURG ID 83440

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right Nos. 1-10545

Dear Ray:

The Notice of Claim you filed on behalf of Bannock Jim Slough Canal Company has been received from the SRBA Court. I have enclosed Receipt No. C091577 for the filing fees you paid. Please retain the receipt for your records.

The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:l
Enclosure

8-17-2010

Hearing

RECEIVED

MAY 20 2010

DEPARTMENT OF
WATER RESOURCES

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: 01-10545

Case 39576

STANDARD FORM 4

MOTION TO FILE

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Bannock Jim Slough Canal Company

My address is: C/O TIM MC GARRY
6505 W. 3800 S.
Rexburg, ID 83440

My phone number is: Home ()

I am an attorney representing

My name is Ray W. Rigby

My address is: 25 North 2nd East, P.O. Box 250, Rexburg, Idaho 83440

My phone number is: 208-356-3633

SCANNED

MAY 20 2010

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

- ☒ I did not file a Notice of Claim to the use of the water in the SRBA because:
Bannock Jim Slough Canal Company has recently been instated as a corporation after a period of negotiations over the future and management of the company. As such, this water right (originally water right no. 22-650) was accidentally overlooked as Bannock Jim worked on reinstatement and securing its other water rights. The need to file a claim on this right was brought to the attention of Bannock Jim by the Idaho Department of Water Resources.
- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of claim for domestic or stock watering use.
- ☐ I am providing legal and factual documentation for my claimed use of water. You must described these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$100.00. The lands upon which the claim is made are the same lands included in other rights and all adjudication fees have been paid.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on: Tuesday, August 17, 2010 at 1:30 p.m.

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

SCANNED
MAY 20 2010

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File and Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of the water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An Amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

SCANNED
MAY 20 2010

VERIFICATION

STATE OF IDAHO,)
 ss
County of Madison.)

Ray W. Rigby, being first duly sworn, upon oath, deposes and says:

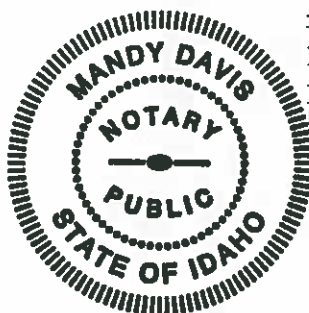
That I am the attorney of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Ray W. Rigby

Attorney signing in representative capacity.

Subscribed and sworn to before me on May 18, 2010,



Mandy Davis

Notary Public for Idaho
Residing at St. Anthony
My Commission Expires: 6/24/2011

SCANNED

MAY 20 2010

CERTIFICATE OF MAILING

I certify that on May 18, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to

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

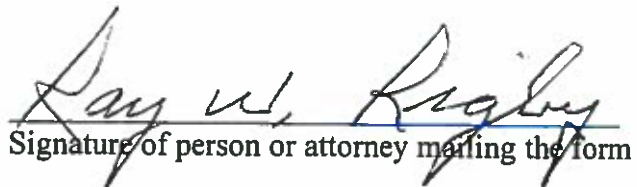
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties in that subcase.


Signature of person or attorney mailing the form

SCANNED

MAY 20 2010

RECEIVED

MAY 20 2010

DEPARTMENT OF
WATER RESOURCES

1-10545

02/09/2010

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

CIVIL CASE NUMBER: 39576

OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number

1-10545

Date Received:

Receipt No:

Received By:

MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BANNOCK JIM SLOUGH CANAL CO Phone:
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID USA 83440

2. Date of Priority: 06/01/1898

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	39E	35	SE NW	MADISON	

5. Description of diverting works:

SNAKE RIVER HEADGATE TO SLOUGH TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.00	

7. Total Quantity Appropriated is:

SCANNED

MAY 20 2010

4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	38E	13	NE	NE		IRRIGATION	33
			NW	NE		IRRIGATION	33
			SW	NE		IRRIGATION	5
			SE	NE		IRRIGATION	5
						Section Acres	76
05N	39E	17	SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	35
						Section Acres	73
05N	39E	18	NW	NE		IRRIGATION	4
			NE	NW		IRRIGATION	31.9
			SW	NW		IRRIGATION	35
			SE	NW		IRRIGATION	32
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	5
			SE	SE		IRRIGATION	20
			NW	NW		IRRIGATION	35.1
			NE	SW		IRRIGATION	5
			NW	SW		IRRIGATION	7.5
			NE	SE		IRRIGATION	38
05N	39E	20	NW	NW		IRRIGATION	16
			NE	SE		IRRIGATION	38
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	36
					Section Acres	130	
05N	39E	21	NW	SW		IRRIGATION	37.3
			SW	SW		IRRIGATION	7
			SE	SW		IRRIGATION	30
					Section Acres	74.3	
					Total Acres	604.8	

11. Place of use in counties: Madison County

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 1-139 & 1-140

SCANNED

MAY 20 2010

14. Remarks:

Awaiting acceptance of late claim by SRBA court.

This right is old Right No. 22-650.

15. Basis of Claim: Decreed

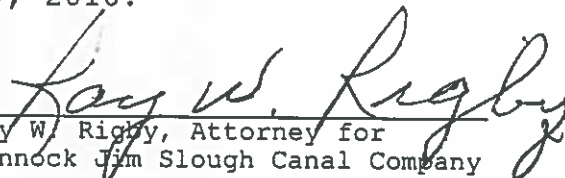
16. Signature(s)

(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 xx wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

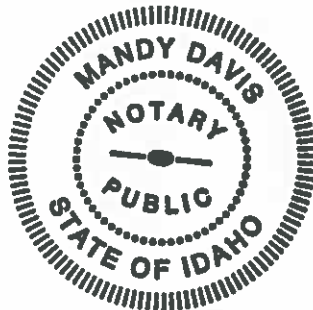
DATED this 18th day of May, 2010.

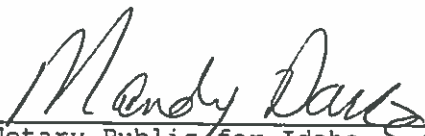

Ray W. Rigby, Attorney for
Bannock Jim Slough Canal Company

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 18th day of May, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Ray W. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

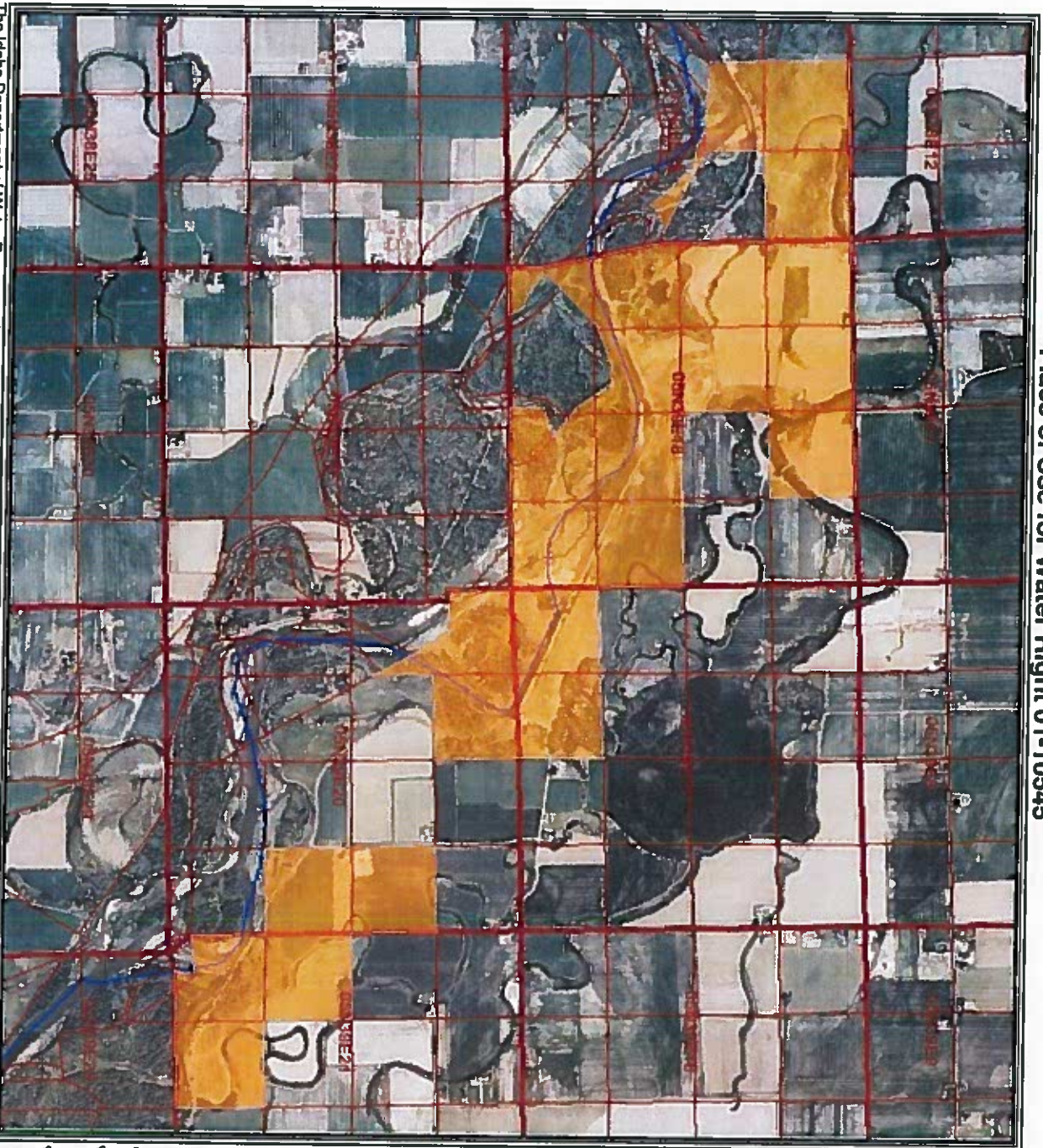



Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

SCANNED
MAY 20 2010

Place of Use for Water Right 01-10545

Created: May 18, 2010



- Legend**
- Selected Features
 - Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - 2001 - 1000000
 - 10001 - 20000
 - 250 - 10000
 - PLS - Section
 - PLS - quarter quarter
 - Cities
 - Counties
 - State
 - High Res. MAP (2006)



Idaho Department of Water Resources
322 East Front Street, P.O. Box 83750
Boise, Idaho 83720-0075
Tel: (208) 337-1800
www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

1-10545

02/09/2010

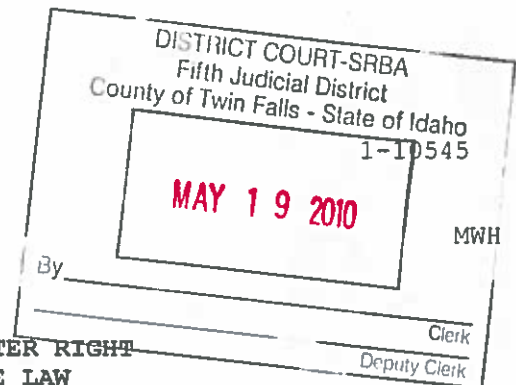
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION

CIVIL CASE NUMBER: 39576

OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number
Date Received:
Receipt No:
Received By:



**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BANNOCK JIM SLOUGH CANAL CO Phone:
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID USA 83440

2. Date of Priority: 06/01/1898

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	39E	35	SE NW	MADISON	

5. Description of diverting works:

SNAKE RIVER HEADGATE TO SLOUGH TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 10/31	4.00	

7. Total Quantity Appropriated is:

SCANNED
AUG 20 2010

4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	38E	13	NE	NE	IRRIGATION	33
			NW	NE	IRRIGATION	33
			SW	NE	IRRIGATION	5
			SE	NE	IRRIGATION	5
Section Acres						76
05N	39E	17	SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	35
Section Acres						73
05N	39E	18	NW	NE	IRRIGATION	4
			NE	NW	IRRIGATION	31.9
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	32
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	5
			SE	SE	IRRIGATION	20
			NW	NW	IRRIGATION	35.1
			NE	SW	IRRIGATION	5
			NW	SW	IRRIGATION	7.5
			NE	SE	IRRIGATION	38
			Section Acres			
05N	39E	20	NW	NW	IRRIGATION	16
			NE	SE	IRRIGATION	38
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	36
Section Acres						130
05N	39E	21	NW	SW	IRRIGATION	37.3
			SW	SW	IRRIGATION	7
			SE	SW	IRRIGATION	30
Section Acres						74.3
Total Acres						604.8

11. Place of use in counties: Madison County

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 1-139 & 1-140

SCANNED
AUG 20 2010

14. Remarks:

Awaiting acceptance of late claim by SRBA court.

This right is old Right No. 22-650.

15. Basis of Claim: Decreed

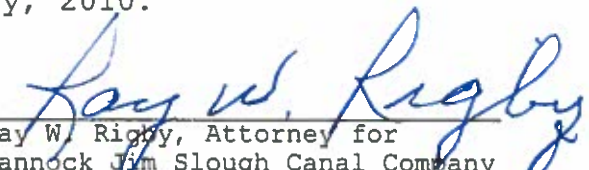
16. Signature(s)

(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 xx wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

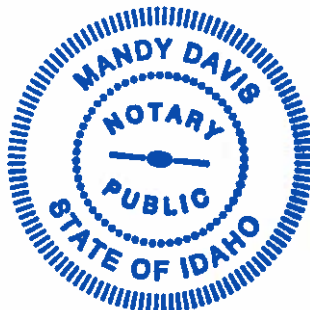
DATED this 18th day of May, 2010.

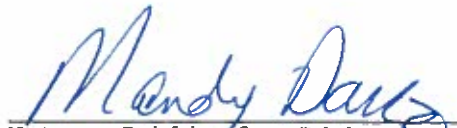

Ray W. Rigby, Attorney for
Bannock Jim Slough Canal Company

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 18th day of May, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Ray W. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

SCANNED

AUG 20 2010

Place of Use for Water Right 01-10545

Created: May 18, 2010



- Legend**
- Selected Features
 - Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - 2001 - 100000
 - 1001 - 2000
 - 20 - 1000
 - PLS - Section
 - PLS - quarter quarter
 - Cities
 - Countries
 - State
 - High Res. NAIP (2005)



Prepared by the ArcView Map Server

Idaho Department of Water Resources
333 East Front Street, P.O. Box 83770
Boise, Idaho 83720-8070
Ph: (208) 337-1000
www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

SCANNED
AUG 20 2010

RECEIVED

AUG 20 2010

DEPARTMENT OF
WATER RESOURCES

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

AUG 19 2010

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) Subcase: 01-10545
Case No. 39576) ORDER GRANTING LATE NOTICE OF
CLAIM
ORDER FOR EXPEDITED LATE
CLAIM DIRECTOR'S REPORT AND
SETTING FORTH PROCEDURES AND
DEADLINES FOR EXPEDITED
PROCESS

On May 19, 2010, Claimant Bannock Jim Slough Canal Company filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on August 17, 2010. No party appeared in opposition to the *Motion*. In addition to the above-captioned late notice of claim, Claimant has various other water right claims presently pending unresolved in the SRBA, specifically water right claims 01-139 and 01-140. At the hearing, it was represented to the Court that the late claim is associated with the resolution of Claimant's other claims. Therefore, in the event the late notice of claim is granted and a *Partial Decree* entered, Claimant's other claims presently pending unresolved in the SRBA will be resolved.

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

1. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this Late Notice of Claim. Good cause exists for granting the instant *Motion*.

SCANNED

AUG 20 2010

2. The next regularly scheduled *Late and Miscellaneous Claims Director's Report* may not be issued prior to any trial set for Claimant's other water right claims. The issuance of a partial decree for the late claim will settle the Claimant's other water right claims.

3. The scheduling or continuation of trials in Claimant's other water right claims beyond the issuance of the next regularly scheduled *Late and Miscellaneous Claims Director's Report* is not feasible due to limited available trial dates and the need to have said dates available to schedule and process other SRBA matters.

4. In furtherance of the winding down process for the SRBA it is imperative that subcases 01-139 and 01-140 be timely set for trial. Therefore in limited circumstances such as this it is preferable to have a *Late Claims Director's Report* for certain late claims individually prepared and filed in advance of the next regularly scheduled *Late and Miscellaneous Claims Director's Report*. 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.

5. In this case IDWR does not oppose filing a *Director's Report* for the late claim and represented that it would be able to prepare a *Director's Report* and recommendation in a short time period.

6. This Court therefore finds that under the circumstances the issuance of an expedited *Late Claim Director's Report* 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 01-10545 is granted. The original Notice 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 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

SCANNED
AUG 20 2010

with this Court on or before **October 29, 2010** 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 within 21 days following the notice of filing of the *Late Claim Director's Report* in the Docket Sheet, or on or before **November 19, 2010**.

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 within 14 days following the close of the objection period, or on or before **December 3, 2010**.

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 **Tuesday, December 21, 2010, at 2:30 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 November 2010 docket sheet.

IT IS SO ORDERED

Dated August 19, 2010



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 AND ORDER FOR EXPEDITED LATE CLAIM DIRECTOR'S REPORT was mailed on August 19, 2010, with sufficient first-class postage to the following:

BANNOCK JIM SLOUGH CANAL

Represented by:

RAY W. 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

SCANNED

AUG 20 2010

ORDER

Page 1 8/18/10

FILE COPY FOR 00475

Deputy Clerk

Julie Murphy