

AUG 16 2024

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 65-24131
)
)
Case No. 39576) NOTICE OF PENDING DISMISSAL OF
) WATER RIGHT CLAIM DUE TO
) INACTIVITY
)
_____)

On April 18, 2022, Kirk C. Wille, as attorney for Claimant Kenneth Thompson, filed a *Motion for Determination of Deferred De Minimis Domestic or Stock Water Use* (“*Motion*”) along with a *Notice of Claim* in the above-captioned subcase. The claim is a groundwater claim for the diversion of .03 cfs for stock water purposes. The procedures governing the prosecution of the *Motion* are set forth in the Court’s *Order Governing Procedures in the SRBA for Adjudication of Deferred De Minimis Domestic and Stock Water Claims*, entered in SRBA Case No. 39576 on June 28, 2012 (“*Order*”).¹

Pursuant to Idaho Code § 42-1414(a)(i), a filing fee of \$25.00 payable to The State of Idaho Department of Water Resources is required for a stock water claim. This required filing fee was not included with the *Motion* filed with the Court, nor was the fee paid directly to IDWR. The Court contacted Mr. Wille’s office by phone on April 18, 2022, regarding payment of the filing fee. IDWR contacted Mr. Wille in writing on September 15, 2023, regarding payment. The court again contacted Mr. Wille’s office again on November 1, 2023, regarding payment of the fee. To date, the required filing fee has not been paid. No other activity has taken place in this subcase following the Court’s November 1, 2023, contact

Idaho Rule of Civil Procedure 41(e) permits the Cort to dismiss a case because of prolonged inactivity. It provides as follows:

¹ That *Order* was amended in part by the Court’s *Order Amending Procedures in the SRBA for Adjudication of Deferred De Minimis Stock Water Claims* entered on October 17, 2017.

Any action, appeal or proceeding, except for guardianships, conservatorships, and probate proceedings, in which no action has been taken for a period of 90 days may be dismissed unless there is a showing of good cause for retention.

(1) Dismissal pursuant to this rule is with prejudice in the case of appeals and without prejudice as to all other matters.


(2) At least 14 days prior to such dismissal, the clerk must give notice of the pending dismissal to all parties or other attorneys of record.

I.R.C.P 41(e). In this case, no activity has occurred in this case since the Court's contact with Mr. Wille's office on November 1, 2023. Therefore, the Court will dismiss the *Motion* and *Notice of Claim* under Idaho Rule of Civil Procedure 41(e) due to inactivity unless the claimant files a written document on or before August 30, 2024, showing good cause for retention of this matter.

THEREFORE, NOTICE IS HEREBY GIVEN that the Court will dismiss the *Motion* and *Notice of Claim* filed in this subcase due to inactivity unless the claimant files a written document on or before August 30, 2024, showing good cause for retention of this matter.

IT IS SO ORDERED.

DATED August 16, 2024.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF PENDING DISMISSAL OF WATER RIGHT CLAIM DUE TO INACTIVITY was mailed on August 16, 2024, with sufficient first-class postage to the following:

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