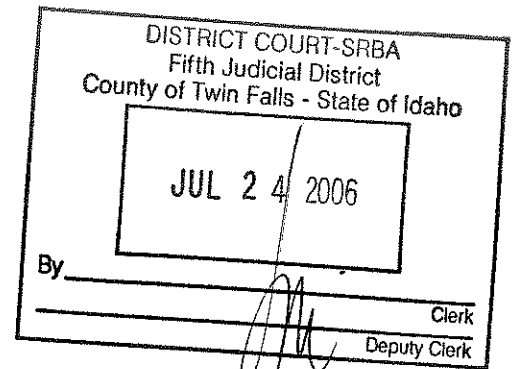




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 29-13738

Case No. 39576

ORDER CONDITIONALLY GRANTING
MOTION TO FILE LATE NOTICE OF
CLAIM UPON PAYMENT OF FILING FEES

On March 6, 2006, Castle Concrete Company, Inc., by and through its president Alan E. Tyson, filed a *Standard Form 4 - Motion to File Late Notice of Claim*. Hearing was held on the Motion July 18, 2006. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

In the *Motion* the claimant states that a notice of claim was not previously filed because "preexisting water right was disallowed." At the hearing, the water right claim referred to in that statement was determined to be no. 29-04087. The court has researched its records and has determined that a *Director's Report* has **not** been filed with the Court for water right claim 29-04087, and no orders have been issued either confirming or disallowing any claim under that number. The Court notes that an inquiry of IDWR's website reveals that a claim has been filed with IDWR under water right no. 29-04087, but for reasons unknown to the Court the claim has not been reported to the Court in any *Director's Report*. Accordingly, the Court's concerns regarding *res judicata* preclusion of claim no. 29-13738 have been satisfied, and the claim may proceed to be adjudicated. However, the Court has no record that the \$25 required filing fee has been paid.

THEREFORE, IT IS ORDERED that upon showing payment of the required filing fee, the *Motion to File a Late Notice of Claim* for water right 29-13738 is **granted**.

Upon payment of the filing fees or submittal of a copy of the receipt for payment of the filing fees, the original Notice of Claim and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated July 24, 2006.



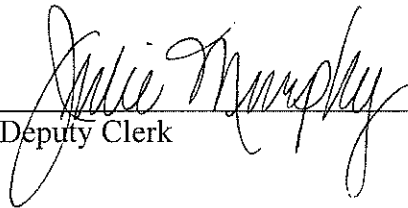
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER CONDITIONALLY GRANTING MOTION TO FILE LATE NOTICE OF CLAIM UPON PAYMENT OF FILING FEES** was mailed on July 24, 2006, with sufficient first-class postage to the following:

Castle Concrete Company, Inc.
2300 North Main
Pocatello, ID 83024

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098


Deputy Clerk