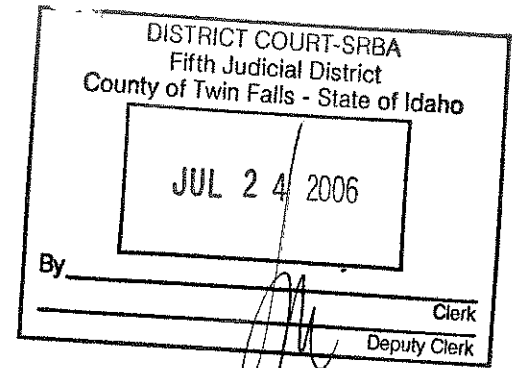


RECEIVED

JUL 28 2006

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 29-13738
	)	
	)	ORDER CONDITIONALLY GRANTING
Case No. 39576	)	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 I**, 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.



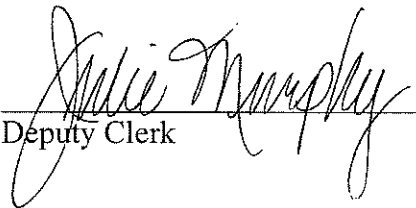
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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

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

RECEIVED

JUL 28 2006

DEPARTMENT OF
WATER RESOURCES

CIVIL CASE NUMBER: 39576

Ident. Number 29-13738
Date Received: 3/1/2006
Receipt No:
Received By: JRM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CASTLE CONCRETE CO INC Phone: (208)233-4151
2300 N MAIN
POCATELLO ID USA 83204

2. Date of Priority: 08/01/1946

3. Source: Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	33E	36	SW SE		

5. Description of diverting works:

water pumped from spring fed pond into water truck

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	05/01	09/30	0.06	

7. Total Quantity Appropriated is:

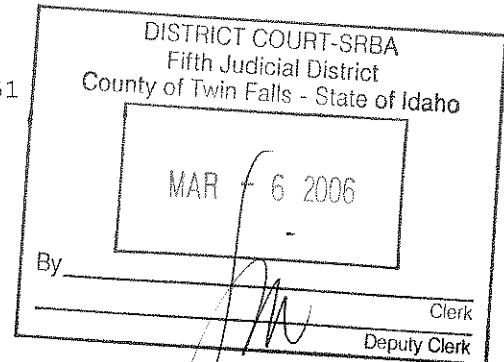
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	33E	36	SE SE	DOMESTIC	
			SW SE	DOMESTIC	



11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

The quantity of water under this right shall not exceed 2,500 gallons per day.

15. Basis of Claim: Beneficial Use

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
CASTLE CONCRETE CO INC, that I have signed the foregoing
Organization
document in the space below as President of
Title
CASTLE CONCRETE CO INC and that the statements contained in the
Organization
foregoing document are true and correct.

Alan E. Tyson
Signature of Authorized Agent

President, Castle Concrete Co. Inc.
Title and Organization

3-1-06
Date

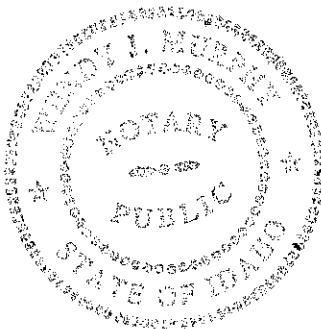
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1st day of March 2006

Wendy J. Murphy
Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06



Idaho Department of Water Resources Receipt

Receipt ID C081799

Payment Amount	\$25.00	Date Received	7/28/2006 11:04:43 AM	Region	State	Status
Payment Type	Check	Check Number	3695			

Payer CASTLE CONCRETE CO. IN

Comment 29-13738

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	WATER RIGHT FILING SUBSCRIPTION	0229	21	51100	1755



Signature Line (Dept. Representative)