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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 36-02227 and 36-02701

Case No. 39576

)
) SPECIAL MASTER'S REPORT RE:
) MOTION TO FILE LATE NOTICE OF
) CLAIM
)

I. FINDINGS OF FACT

On June 26, 2006, a *Motion to File a Late Notice of Claim* was filed in the above-captioned subcases by Myron Huettig, *pro se*. The matter was referred to this Special Master for the purpose of determining the degree of prejudice, if any, that may be occasioned by the granting of the late notice of claim. A hearing on the matter was held on November 28, 2006. Participating in person was Myron Huettig and participating by Telephone was Nick Spencer, Deputy Attorney General for the Idaho Department of Water Resources. Pursuant to the representations of Mr. Huettig and Mr. Spencer made at the hearing, this Special Master finds that the criteria of I.R.C.P. 55(c) have been met, and specifically: 1) that the untimeliness of the claim was not willful; 2) that there is little or no likelihood of prejudice to other parties to the Snake River Basin Adjudication; and 3) that a meritorious position has been shown.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein it is RECOMMENDED that the SRBA District Court issue an order **granting** the *Motions to File a Late Notice of Claim* and that the *Notices of Claim* previously lodged with the Court, together with the filing fees, be forwarded to IDWR to be reported in a late claims director's report.

Dated November 29, 2006.



THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT RE MOTION TO FILE LATE NOTICE OF CLAIM was mailed on November 29, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
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