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DEPARTMENT OF  
WATER RESOURCES

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

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 36-16403

Case No. 39576

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

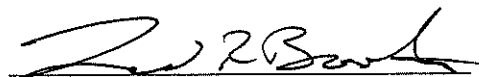
I. FINDINGS OF FACT

On June 13, 2006, a *Motion to File a Late Notice of Claim* was filed by Jack M. Harman, Shelley Harman, Kent M. Harman, and Tamara Harman, by and through their attorney Michael P. Tribe. 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 by telephone were Michael P. Tribe and Nick Spencer, Deputy Attorney General for the Idaho Department of Water Resources. Pursuant to the representation of counsel 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 *Motion to File a Late Notice of Claim* and that the *Notice 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:

JACK M HARMAN  
KENT M HARMAN  
SHELLEY HARMAN  
TAMARA HARMAN

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