

Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 14 2007

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 85-15688
)
Case No. 39576) SPECIAL MASTER'S REPORT ON
) MOTION TO FILE LATE NOTICE OF
) CLAIM
)
_____)

On March 13, 2007, Patricia B. Smyth, through her attorney Albert Barker, filed a *Standard Form 4 – Motion to File a Late Notice of Claim*. The *Motion* was referred to this Special Master due to the relationship between the subject late claim and subcase 85-15496. A hearing on the *Motion* was held on June 12, 2007. Based upon the comments of counsel at the hearing, this Special Master finds that the requirements of I.R.C.P. 55(c) have been met – specifically that there is good cause for untimeliness, that the movant has demonstrated a meritorious position, and that there is little likelihood of prejudice to other parties.

Attached to the *Motion* was a completed *Notice of Claim to a Water Right*. However, based upon the colloquy at the hearing on the *Motion*, it was determined that the claimant will need to provide IDWR with a corrected *Notice*. Accordingly, it is **hereby ordered** that the Claimant shall provide IDWR a corrected *Notice of Claim to a Water Right* --consistent with the representations made on the record at hearing – no later than June 29, 2007.

Therefore based on the file and record herein, IT IS RECOMMENDED that the SRBA District Court enter an order **granting** the *Motion to File Late Notice of Claim*.

Dated June 13, 2007


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 ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on June 14, 2007, with sufficient first-class postage to the following:

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