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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 23 2008	
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

Case No. 39576

Subcase: 23-00011

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On September 15, 2006, Diamond K, Inc., Lynn Dixon, and Snake River Estates LLC, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. After a hearing, attorney Robert L. Harris filed a *Motion to File Amended Notice of Claim* for the above-captioned water right, on behalf of the Daniel W. Richards Family Trust. A hearing on all four *Motions to File Late Notice of Claim* was held on December 19, 2006. No party appeared in opposition to the *Motions*. However, following a review of the file and after hearing comments in open court, the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(c) standard.

On August 7, 2008, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Notice of Claim* recommending that the late claim be granted. However, this *Recommendation* only recommended granting the late claim in the name of the Daniel W. Richards Family Trust. This Court then issued an *Order Granting Motion to File Late Notice of Claim* in the name of the Richards Family Trust only. However, the intent was to grant the late claims with respect to all claimants claiming under the 23-00011 claim number. To resolve any ambiguity, the Court is now granting the *Motion to File a Late Notice of Claim* for the three omitted parties: Diamond K, Inc., Lynn Dixon, and Snake River Estates, LLC.

THEREFORE, IT IS ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. The Idaho Department of Water Resources can administratively split the claim among the three claimants and report the claims in the forthcoming *Late and Miscellaneous Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order I 4d(2)(h)*.

IT IS SO ORDERED.

Dated September 23, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 23, 2008, with sufficient first-class postage to the following:

DIAMOND K, INC
LYNN DIXON
SNAKE RIVER ESTATES LLC
THE DANIEL W RICHARDS & JUDY K

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.