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OCT 15 2009  
DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| OCT 13 2009                                                                             |
| By _____<br>Clerk<br>Deputy Clerk                                                       |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

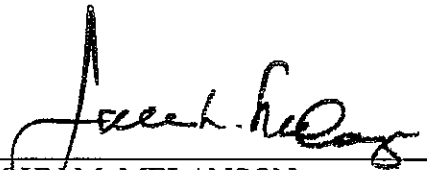
|                |   |                             |
|----------------|---|-----------------------------|
| In Re SRBA     | ) | Water Right Claim: 22-13955 |
|                | ) |                             |
| Case No. 39576 | ) | NOTICE SETTING HEARING      |
|                | ) | ON MOTION TO FILE LATE      |
|                | ) | NOTICE OF CLAIM             |

On October 13, 2009, Summerco Inc., by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right.

NOTICE IS GIVEN that hearing on the *Motion to File Late Notice of Claim* is set for **Tuesday, January 19, 2010, at 1:30 p.m. (Mountain Time), at the Snake River Basin Adjudication District Court, 253 - 3<sup>rd</sup> Avenue North, Twin Falls, Idaho.** Parties may participate by telephone by dialing the number 1-918-583-3445 and when prompted entering code 406128.

**Failure to appear at the hearing, either in person or by telephone, may result in dismissal of your *Motion to File Late Notice of Claim*.**

Dated October 13, 2009.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE SETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM was mailed on October 13, 2009, with sufficient first-class postage to the following:

SUMMERCO INC

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.