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APR 23 2010

DEPARTMENT OF
WATER RESOURCES

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

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

APR 22 2010

By

Clerk
Deputy Clerk

In Re SRBA

Case No. 39576

) WATER RIGHT NO: 47-17530

) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM

On January 25, 2010, James and Doris Sommer (collectively "Claimants") filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on April 20, 2010. No party appeared in opposition to the *Motion*. At the hearing, the Court noted that its file did not contain record establishing the appropriate filing fee for the *Motion* was paid by Claimants. Claimants represented at hearing that the appropriate filing fee was paid. Following a review of the file and after hearing the comments made in open court, the Court finds that the above-captioned water right claim meets the criteria for a deferrable domestic water right and that good cause exists for granting the instant *Motion* pending confirmation by the Idaho Department of Water Resources that the appropriate filing fee for the *Motion* was or has been paid by Claimants.

THEREFORE, IT IS HEREBY ORDERED that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **conditionally granted** subject to confirmation by the Idaho Department of Water Resources that the appropriate filing fee for the *Motion* was or has been paid by Claimants. Upon receipt by this Court of the confirmation that the appropriate filing fee has been paid, this Court will forward the *Notice of Claim* to the Idaho Department of Water Resources for processing.

Dated

April 22, 2010

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER CONDITIONAL GRANTING LATE NOTICE OF CLAIM was mailed on April 22, 2010, with sufficient first-class postage to the following:

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

DORIS SOMMER
JAMES SOMMER
3304 N 3200 E
TWIN FALLS, ID 83301
Phone: 208-736-0927

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