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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 19 2010	
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

Case No. 39576

) WATER RIGHT NO: 63-33354 and 63-
) 33361
)
) ORDER CONDITIONALLY GRANTING
) LATE NOTICES OF CLAIM
)
)
)

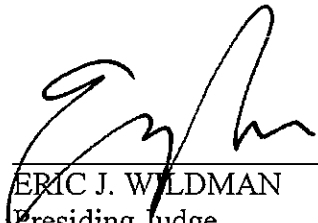
On May 28, 2010, Claimant W&H Limited Liability Company, through its attorneys of record Michael C. Creamer and Michael P. Lawrence, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. A hearing on the *Motions* was held on August 17, 2010. No party appeared in opposition to the *Motion*. However, at the hearing the Idaho Department of Water Resources ("IDWR") as well as counsel for Claimant pointed out that discussions between them has revealed certain clerical errors in the source element and place of use element of the *Late Notice of Claim* for water right 63-33351. Also at the hearing, IDWR noted that although a filing fee had been paid by Claimant with respect to the *Motions to File Late Notices of Claim* in the amount of \$100.00, the correct cumulative filing fee for the two *Motions* was \$155.00, resulting in a \$55.00 deficiency.

Following a review of the file and after hearing the comments made in open court, the Court finds that good cause exists for granting the instant *Motions*, provided that Claimants first (1) file and serve, as required by *SRBA Administrative Order 1* ("AO1") section 6, an *Amended Late Notice of Claim* with respect to water right claim 63-33351 that corrects the above-mentioned clerical errors as to the claimed source and place of use on or before August 31, 2010, and (2) submit a \$55.00 payment made payable to IDWR

to correct the deficiency existing with respect to the cumulative filing fee for the two *Late Notices of Claim* on or before August 31, 2010.

THEREFORE, IT IS HEREBY ORDERED that the *Motions to File a Late Notice of Claim* for the above-captioned water rights are **conditionally granted** subject to (1) the filing and service, as required by *AOI* section 6, by the Claimants of an *Amended Late Notice of Claim* with respect to water right claim 63-33351 that corrects the clerical errors presently existing in the *Notice of Claim* pertaining to source and place of use on or before August 31, 2010, and (2) Claimant submitting a \$55.00 payment made payable to IDWR to correct the deficiency existing with respect to the cumulative filing fee for the two *Late Notices of Claim* on or before August 31, 2010. Upon receipt by this Court of an *Amended Late Notice of Claim* that conforms with this *Order*, this Court will forward the *Amended Late Notice of Claim* to the Idaho Department of Water Resources for processing.

Dated August 19, 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 NOTICES OF CLAIM was mailed on August 19, 2010, with sufficient first-class postage to the following:

W & H LIMITED LIABILITY

Represented by:

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W & H LIMITED LIABILITY

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ORDER

Page 1 8/18/10

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".