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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - IDAHO	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 27 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

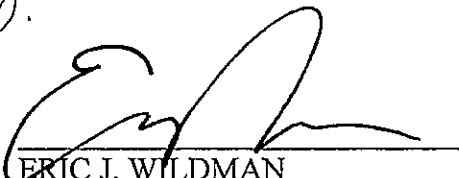
) WATER RIGHT NO: 81-02006
)
) ORDER CONDITIONALLY GRANTING
) LATE NOTICE OF CLAIM
)
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)
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)

On June 8, 2010, Claimants Terry Jackson and Becky Brotnov, through their attorney of record Candice McHugh, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing on the *Motion* was held on September 21, 2010. No party appeared in opposition to the *Motion*. However, at the hearing the Idaho Department of Water Resources as well as counsel for the Claimants identified a clerical error in the quantity element of the *Late Notice of Claim*. Specifically, the *Late Notice of Claim* claimed 2.0 cfs of water, whereas the prior license on which the *Late Notice of Claim* is based only authorized the diversion of 1.0 cfs of water. Counsel for Claimants represented that the Claimants did not intend to claim a quantity in their *Late Notice of Claim* inconsistent with that quantity identified in the license.

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 *Motion*, provided that Claimants first file and serve, as required by *SRBA Administrative Order 1* ("AOI") section 6, an *Amended Late Notice of Claim* with respect to water right claim 81-02006 that corrects the above-mentioned clerical error as to the claimed quantity on or before October 4, 2010.

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 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 81-02006 that corrects the clerical error presently existing in the *Notice of Claim* with respect to the quantity element or before October 4, 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 September 27, 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 September 27, 2010, with sufficient first-class postage to the following:

BECKY BROTNOV

TERRY JACKSON

Represented by:

CANDICE M MC HUGH

101 S CAPITOL BLVD, STE 208

BOISE, ID 83702

Phone: 208-395-0011

DIRECTOR OF IDWR

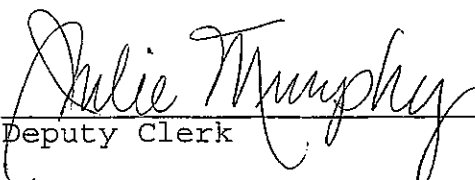
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BOISE, ID 83720-0098

ORDER

Page 1 9/27/10

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Deputy Clerk