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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 17 2012	
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) WATER RIGHT NOS: 22-626
Case No. 39576) ORDER SETTING ASIDE DISALLOWAL
OF UNCLAIMED WATER RIGHT
_____)

On April 25, 2012, this Court entered an *Order* in SRBA subcase no. 00-92099 and Twin Falls County Case No. 39576 closing claims taking and disallowing certain unclaimed water rights in Basin 22 (hereinafter, "*Order*").¹ One of the water rights disallowed in the *Order* was water right claim no. 22-626, held by the City of Driggs.

On July 12, 2012, the City of Driggs filed a *Motion to File Late Notice of Claim* for the above-captioned water right.² As part of its *Motion*, the City of Driggs requested that the *Order* disallowing water right no. 22-626 be set aside under Idaho Rule of Civil Procedure 60(b)(1) & (6). A hearing on the *Motion* was held on October 16, 2012. No one appeared in opposition to the *Motion*.

Following a review of the file and after hearing the comments made in open court, the Court found that the City of Driggs had set forth sufficient grounds to justify the setting aside of the *Order* disallowing water right no. 22-626 pursuant to Idaho Rule of Civil Procedure 60(b)(1). The justifications and rationale supporting the Court's holding were orally set forth on the record at the October 16, 2012, hearing.

¹ The *Order* was entitled *Order Closing Claims Taking Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78 and 79 and Disallowal of Unclaimed Water Rights*.

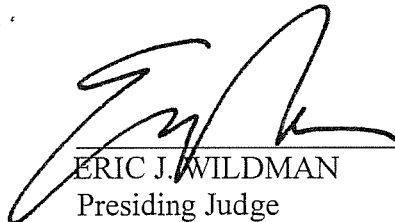
² On that same date the City of Driggs also filed a *Motion to File Late Notice of Claim* for water right claim 22-14003. However as that water right was not expressly disallowed in this Court's *Order* disallowing certain unclaimed rights in Basin 22 dated April 25, 2012, there is no need to set aside that *Order* to permit the processing of that water right claim.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The disallowal of water right no. 22-626 in this Court's *Order Closing Claims Taking Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78 and 79 and Disallowal of Unclaimed Water Rights* dated April 25, 2012, **is hereby set aside.**

2. Aside from setting aside the disallowal of water right no. 22-626, the Court *Order Closing Claims Taking Basins 21, 22, 29, 32, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78 and 79 and Disallowal of Unclaimed Water Rights* is unaltered, and shall remain in full effect and force.

Dated October 17, 2012.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE DISALLOWAL OF UNCLAIMED WATER RIGHT was mailed on October
17, 2012, with sufficient first-class postage to the following:

CITY OF DRIGGS

Represented by:
JERRY R RIGBY
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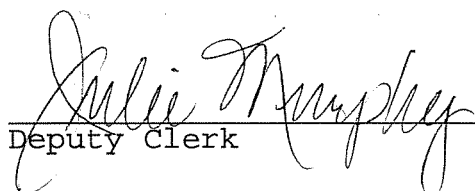
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ORDER

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FILE COPY FOR 00796

Deputy Clerk

A handwritten signature in cursive script, appearing to read "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".