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JUN 20 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 18 2013	
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.: 71-4011
)
) ORDER DISMISSING MOTION TO
) FILE LATE NOTICE OF CLAIM
)
) ORDER VACATING HEARING
)
)

On January 30, 2013, Thomas R. Stuart III and Anne Pasley-Stuart filed a *Motion to File Late Notice of Claim* for the above-captioned water right. A hearing was set on the *Motion* for April 16, 2013. By Court *Notice* dated April 26, 2013, the hearing was continued at the request of the Claimants and counsel for the Idaho Department of Water Resources to June 25, 2013, at 1:30 p.m. (Mountain Time). On June 18, 2013, the Clerk of the Court received email correspondence from the Claimants requesting to withdraw their *Motion to File Late Notice of Claim*. The Court will treat the correspondence as a voluntary notice of dismissal pursuant to Idaho Rule of Civil Procedure 41(a)(1), and notes that at this time no responsive pleading has been filed to the *Motion to File Late Notice of Claim*.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Motion to File Late Notice of Claim* for the above-captioned water right is **dismissed without prejudice**.
2. The hearing on the *Motion to File Late Notice of Claim* set for June 25, 2013 is **hereby vacated**.

Dated: June 19, 2013


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING MOTION TO FILE LATE NOTICE OF CLAIM / ORDER VACATING HEARING was mailed on June 19, 2013, with sufficient first-class postage to the following:

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

ANNE PASLEY-STUART
THOMAS R STUART III
749 HIGH POINT LN
BOISE, ID 83712-6561
Phone: 208-343-3017

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