

2003 DEC 15 PM 4:49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER DISMISSING OBJECTION
	)	AND ORDER GRANTING MOTION
Case No. 39576	)	TO FILE LATE OBJECTION
	)	
	)	SUBCASE NOS.: 29-12527 AND 29-11300
_____	)	

An *Objection* was timely filed in subcase no. 29-12527 by Barton & Jeri Armstrong. On December 11, 2003, however, the Armstrongs filed a letter with the SRBA court indicating that the *Objection* to 29-12527 was filed by mistake. The court will treat the letter as a withdrawal of *Objection* to 29-12527.

In a second letter filed on December 11, 2003, the Armstrongs indicated that they had originally intended to object to a different subcase no. 29-11300. In addition, they sent a proposed *Objection*, requesting that they be allowed to file it in subcase 29-11300. The deadline for filing *Objections* in Basin 29 has passed. The letter of December 11, 2003 will be treated as a *Motion to File Late Objection*.

The Armstrongs are the claimants in both subcases 29-12527 and 29-11300. Apparently the Armstrongs wrote the wrong subcase number on the first *Objection*. Since the Armstrongs are the claimants, it is unlikely that any prejudice would occur by allowing the *Objection* to be filed in the correct subcase number.

Therefore, IT IS ORDERED that the *Objection* filed in subcase no. 29-12527 is **withdrawn with prejudice**. IT IS FURTHER ORDERED that the *Motion to File Late Objection* in subcase 29-11300 is **granted**. The *Objection* shall be filed by the SRBA clerk as of December 15, 2003. The court also notes that the handwritten circle in black and red ink surrounding water right number 29-11300 on the new *Objection* in subcase 29-11300 was apparently drawn by the claimants.

DATED December 15, 2003



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING
OBJECTION AND ORDER GRANTING MOTION TO FILE LATE OBJECTION
was mailed on December 15, 2003, with sufficient first-class
postage to the following:

BARTON & JERI ARMSTRONG

Represented by:

JACK H ROBISON

PO BOX 967

POCATELLO, ID 83204-0967

Phone: 208-232-5911

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

BARTON ARMSTRONG

JERI ARMSTRONG

9021 GIBSON JACK

POCATELLO, ID 83204

Phone: 208-233-0404