

Order on Motion to Set Aside Partial Decrees and File Late Objections (A.L. Cattle) (Jan. 31, 2001).

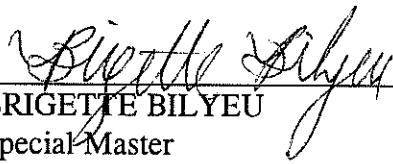
In support of the *Motion*, Mr. Shaffer explained that he failed to file a timely objection due to a change in personnel at IDWR and due to a misunderstanding of the deadlines. Mr. Shaffer asserted he has used his water right on an additional 2.33 acres. No parties to the SRBA opposed Mr. Shaffer's *Motion*, and there is no showing that prejudice would result from allowing the late objection.

III. FINDINGS AND CONCLUSIONS

The court has considered the facts claimant alleges for "good cause" for the untimeliness of the objections. Here, there was no opposing party that raised a question of prejudice or disputed the assertion of "good cause." Under the circumstances, the court finds that the untimeliness was not willful. As to "meritorious position," this Special Master finds that Mr. Shaffer has asserted a meritorious position as to the change in acreage he seeks to make. Considering the policy of preferring to determine cases on their merits and considering the record on file in this subcase, the *Motion to File Late Objection* is **granted**.

Therefore, IT IS ORDERED that the *Motion to File Late Objection* is **granted** for water right number 29-04198.

DATED November 22, 2004.



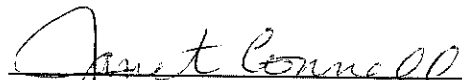
BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on November 22, 2004 with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Timothy B Shaffer
Leta K Shaffer
2428 N. Pamela Drive
Inkom, Idaho 83245


Deputy Clerk