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DEPARTMENT OF  
WATER RESOURCES

Randall C. Budge, ISB 1949  
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                       |   |                                |
|-----------------------|---|--------------------------------|
| <b>In Re SRBA</b>     | ) | <b>A. Subcase No. 29-13406</b> |
|                       | ) |                                |
| <b>Case No. 39576</b> | ) | <b>MOTION TO FILE LATE</b>     |
|                       | ) | <b>RESPONSE TO OBJECTION</b>   |
| _____                 | ) |                                |

COMES NOW Portneuf Marsh Valley Canal Company, by and through it attorney, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered, P.O. Box 1391, Pocatello, Idaho 83204-1391, phone 208-232-6101, and hereby moves the Court to file late the Response to Objection attached hereto and incorporated by reference. This Motion is made for the reason that the claimant late-filed on June 15, 2005 a Standard Form 1 Notice of Objection which was not served upon this party and first came to this party's attention at the Status Conference conducted by the Court on June 29, 2005.

This Motion will be heard on July 13, 2005, at 9:30 a.m. before Special Master Bilyeu at the SRBA Courthouse, 253 Third Avenue N., Twin Falls, Idaho, and will be conducted by telephone conference call at number 225-383-1099, participant code 926509.

DATED this 29 day of June, 2005.

RACINE, OLSON, NYE, BUDGE &  
BAILEY, CHARTERED

By Randall C. Budge  
RANDALL C. BUDGE, Attorney for  
Portneuf-Marsh Valley Canal Company

**VERIFICATION**

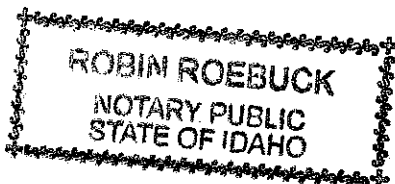
STATE OF IDAHO            )  
                                      : SS  
COUNTY OF BANNOCK )

Randall C. Budge, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended response as defined by I.C. §42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion or late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Randall C. Budge  
RANDALL C. BUDGE, Attorney for  
Marsh Valley Development Company

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of June, 2005.



Robin Roebuck  
NOTARY PUBLIC FOR IDAHO,  
Residing at Pocatello.  
My Commission Expires 8/18/2006.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29 day of June, 2005, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

IDWR Document Depository  
P.O. Box 83720  
Boise, Idaho 83720-0098

Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Brett Casperson  
8893 E. Maughan Road  
Lava Hot Springs, Idaho 83246

Portneuf-Marsh Valley Canal Company  
c/o Ellis Gilbert, President  
2777 E. Hawkins Road  
Downey, Idaho 83234

Marsh Valley Development Company  
c/o Ted Sorenson, President  
5293 S. 11th E.  
Idaho Falls, Idaho 83404

Portneuf Irrigation Company  
c/o Jerry R. Rigby  
P.O. Box 250  
Rexburg, ID 83440

McCammon Ditch Company  
C/o Jim Spinner  
P.O. Box 6009  
Pocatello, Idaho 83206-6009

Portneuf Irrigation Company  
c/o Randall C. Stone  
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RANDALL C. BUDGE