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DEPARTMENT OF
WATER RESOURCES

Randall C. Budge, ISB 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
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Pocatello, Idaho 83204-1391
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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**

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

COMES NOW Marsh Valley Development 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)

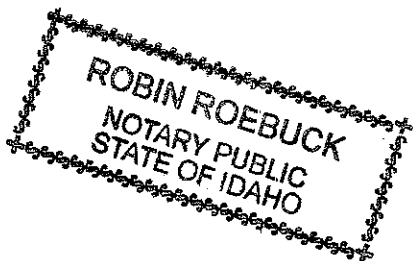
Randall C. Budge, being first duly sworn, upon oath, deposes and says:

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
Portneuf-Marsh Valley Canal Company

SUBSCRIBED AND SWORN TO before me this 29 day of June, 2005.

Randall C. Budge 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

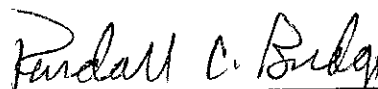
Portneuf-Marsh Valley Canal Company
c/o Ellis Gilbert, President
2777 E. Hawkins Road
Downey, Idaho 83234

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
P.O. Box 910
Burley, Idaho 83318



RANDALL C. BUDGE

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)

A. Subcase 29-13406

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Marsh Valley Development Co., c/o Ted Sorenson

Address: 5293 S. 11th E.
Idaho Falls, ID 83404

Daytime Phone: 208-522-8069

Name & Address of Attorney, if any:

Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204-1391

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Brett Casperson

Address: 8893 E. Maughan Road
Lava Hot Springs, ID 83246

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☒ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation

- ☐ This water right should not exist
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bannock)

Randall C. Budge, duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Randall C. Budge

(Attorney signing in representative capacity)

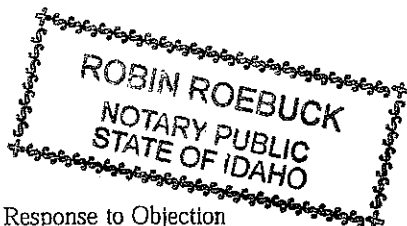
Subscribed and sworn to before me on:

June 29th 2005

Notary Public for Idaho

Residing at: Pocatello

My Commission Expires: 8/18/2006



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F.

CERTIFICATE OF MAILING

I certify that on June 2005, ~~199x~~, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Marsh Valley Development Company
Address: 5283 S. 11th E., Idaho Falls, ID 83404

3. One copy to the party who filed the objection at the following address:

Name: Brett Casperson
Address: 8893 E. Maughan Road, Lava Hot Springs, ID 83246

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

Randall C. Bruden

Your signature or signature of attorney
mailing on your behalf