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SEP 14 2006

DEPARTMENT OF
WATER RESOURCES

WILLIAM D. COLLINS

Idaho State Bar No. 1054

WESTBERG, McCABE & COLLINS, CTD.

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Attorneys for Eiguren Ranch, Inc.

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 77-02035
	)	
Case No. 39576	)	MOTION TO FILE LATE OBJECTION
_____	)	

COMES NOW, WILLIAM D. COLLINS of the firm Westberg, McCabe & Collins, and hereby moves the Court to permit the filing of a late objection to the Director's report for Water Right No. 77-02035.

Your movant understands that the deadline for filing of an objection was some time in July. Your movant became aware in August, 2006, in doing a routine check of the owner of the water rights claims that the Director's report had been issued. The error is a clerical one. Your movant contacted the Department of Water Resources by mail August 4, 2006, and called attention to the error. Your movant has been advised by the Department even though the error is a clerical one, your movant should file a formal objection.

Request is therefor made for permission from the Court to file the original of the late

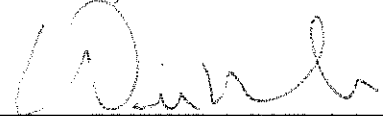
objection. A copy of the late objection is attached as Exhibit A.

In summation, the objection asserts that eight acres of land should have been shown as having been irrigated in the NW¼SW¼, Sec. 19, T.19N., R.8E. This water right is based upon a license for a permit issued November 20, 1919. The report of the State Reclamation Engineer of July 4, 1928, showed this eight acres as having been irrigated. The Department of Water Resources, on a companion right, No. 77-02205, on their field check also showed this eight acres as having been irrigated. Therefore, the failure of the Department to show this eight acres as having been irrigated for Water Right No. 77-02035 is simply a clerical error.

Oral argument on this Motion is requested.

DATED this 12 day of September, 2006

WESTBERG, MCCABE & COLLINS, CTD.

By 
William D. Collins
Attorneys for Eiguren Ranch, Inc.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document was mailed, postage prepaid, to the following on this 12 day of September, 2006:

Original to:

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

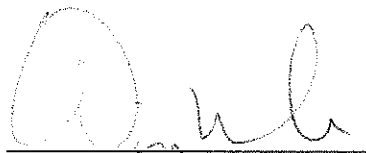
Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort Street, MSC 033
Boise, Idaho 83724

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

Terry J. Eiguren
Eiguren Ranch, Inc.
P.O. Box 732
Cascade, Idaho 83611

A handwritten signature in dark ink, appearing to read 'W.D. Collins', is written over a horizontal line.

William D. Collins

In Re SRBA) A. Subcase 77-02035
)
)
Case No. 39576)
)
_____)

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

EXHIBIT A -1

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: Eiguren Ranch, Inc., P.O. Box 732,
Cascade, Idaho 83611
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.36 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 8 Ac. SW1/4NW1/4 and 8 Ac. NW1/4SW1/4
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** Clerical errors. See License (14419/77-02035) and Directors Report on 77-02205. Report of Engineer of 7-4-1928 on Permit No. 14419 shows 8 Ac. irrigated in NW1/4SW1/4. Directors Report on 77-02205 shows 10 Ac. irrigated in NW1/4SW1/4. The Directors Report for this water right, 77-02035, shows no irrigation in NW1/4SW1/4 and should have.

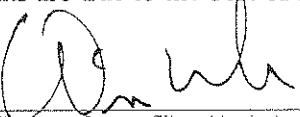
F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Ada)

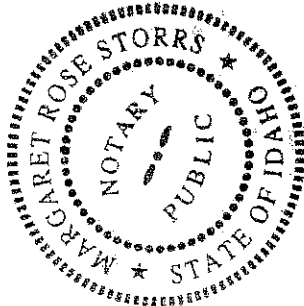
WILLIAM D. COLLINS, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

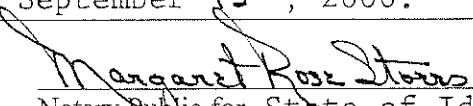
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 13, 2006.




Notary Public for State of Idaho

Residing at: Boise, Idaho

My Commission Expires: 05/14/2010

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on September 13, 2006, I mailed the original and copies of this objection, 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: Terry J. Eiguren
Eiguren Ranch, Inc.

Address: P.O. Box 732
Cascade, ID 83611

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf
William D. Collins