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DEPARTMENT OF
WATER RESOURCES

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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	)	Subcase No. 22-02303B
	)	
	)	MOTION TO FILE LATE RESPONSE
	)	TO OBJECTION
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, by and through the undersigned deputy attorney general, moves this court to enter an order accepting for filing the attached Response to Objection for the above-entitled subcase. The grounds for this motion are as follows:

1. Objections to water rights recommended in the Director's Report for Basin 22, Part I Ground Water, for Irrigation and Other Water Rights were due on May 5, 2006, and Responses to Objections were due on July 7, 2006.

2. Objector Fremont Madison Irrigation District filed its *Motion to File Late Objection* to subcase 22-02303B on or about May 26, 2006.

3. The Court entered its *Order on Motion to File Late Objection and Setting Subcase Deadline* on July 6, 2006. This order granted the *Motion to File Late Objection* and set the deadline of July 28, 2006 as the date for filing responses to this late objection.

4. The State of Idaho through inadvertence and the press of other administrative matters failed to file a timely response to this late objection. A *Response to Objection* is attached to this Motion, which the State of Idaho is requesting that it be allowed to file in this matter.

5. No one would be prejudiced by the State of Idaho's participation in this subcase at this early stage in the litigation. The State of Idaho is also a respondent in other subcases involving the same legal issue in Basin 21.

6. Oral argument is requested on this motion.

PRAYER FOR RELIEF

1. That the Court set this matter for hearing

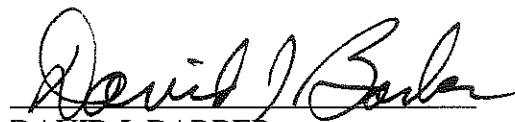
2. That the Court enter an order that directs the Clerk to file the attached *Response to Objection*.

3. That the Court grant such other and further relief as the Court deems just and proper.

DATED this 28th day of September 2006.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A handwritten signature in black ink, appearing to read "David J. Barber", written over a horizontal line.

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 28th day of September 2006, I caused to be served the original and/or copy of this MOTION TO FILE LATE RESPONSE TO OBJECTION on each of the following persons by the indicated method.

1. Original to:

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

- ☒ U.S. Mail, postage prepaid
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☐ Federal Express
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☐ Statehouse Mail

2. Copies to

Fremont Madison Irrigation District,
and
BYU Idaho
Represented by:
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RIGBY, THATCHER, ANDRUS,
RIGBY & MOELLER, Chtd.
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Rexburg Irrigation Company
c/o Donald Day
975 South 5500 West
Rexburg, ID 83440

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David W. Gehlert, Trial Attorney
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Denver, CO 80294

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Minidoka Irrigation District
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Burley, ID 83318

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American Falls Reservoir Dist. #2
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A&B Irrigation
Burley Irrigation District
Represented by:
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Michael P. Tribe
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Twin Falls Canal Company
Milner Irrigation District
North Side Canal Company
Represented by:
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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

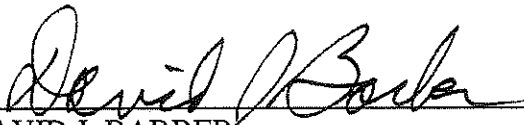
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Not Applicable



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