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DEPARTMENT OF
WATER RESOURCES

Attorney for Movant/Objector

IN THE DISTRICT COURT OF THE FIFTY JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576,

Re: Seeley Brothers, Ashton, Idaho,
Movant and Objector.

A: Subcase No. 21-170

MOTION FOR LEAVE TO FILE
A LATE STANDARD FORM
OBJECTION

Come now Seeley Brothers of Ashton, Idaho, through their attorney, Lynn Hossner, and hereby request the above entitled court allow Seeley Brothers to file a late objection to a determination that Water Right No. 21-170 for 4.140 cfs. is appropriated to 161 acres, even though it is shown on Right Number 21-170 that Water Right Number 21-170 when combined with Right No. 21-171, 21-7210 and 21-7309, is limited to irrigation of a combined total of 207 acres.

In 1980, 275 inches of water from Willow Creek in Fremont County, Idaho was decreed in the District Court of the Seventh Judicial District for the State of Idaho to Seeley Brothers. The water was appropriated to 207 acres of farm land with a priority of 1893. Right No's. 21-171, 21-7210 and 21-7309, which include the same farm land, all indicate the water was appropriated to 207 acres as shown in the original decree. Right No. 21-170 should be amended to show the water is appropriated to 207 acres as are the other Water Rights.

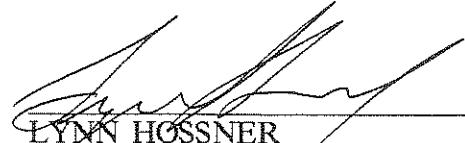
Seeley Brothers noticed the inconsistency in their four Water Right No's. 21-170, 21-171, 21-7210 and 21-7309 when they saw the penultimate paragraph in "Place of Use" in Right No. 21-170 indicates the water was appropriated to 161 acres which is inconsistent with the ultimate paragraph in "Place Of Use" in Right No. 21-170 which provides the water is appropriated to 207 acres when combined with the other water rights. It is believed Right No. 21-170 is inconsistent in its body because of a clerical error and not an intentional reduction of acreage.

acreage.

WHEREFORE, Movant and Objector prays judgment as follows:

1. That Movant's Motion to File a Late Standard Form Objection be granted.
2. That Movant and Objector's Standard Form Objection be allowed to be filed and the matter set for hearing.
3. For such other and further relief to which the Court finds Defendants justly entitled.

Dated this 8th day of November, 2006.


LYNN HOSSNER
ATTORNEY FOR MOVANT/OBJECTOR

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 2006, I served a true and correct copy of the foregoing, as follows:

Original:

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

Copies:

IDWR Documents Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Lynn Hossner