

NOV 24 2006
DEPARTMENT
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

On September 14, 2006, the claimant of the above-captioned water right, Eiguren Ranch Inc., by and through its attorney William D. Collins, filed a *Motion to File Late Objection (Motion)*. A *Standard Form 1 Objection* was lodged contemporaneously therewith. In accordance with SRBA Administrative Order 1 § 10(j), the *Motion* was reported on the Court's monthly docket sheet. On November 21, 2006, the *Motion* was heard by telephone pursuant to I.R.C.P. 7(b)(4).

A motion to file a late objection is reviewed under the criteria of I.R.C.P. 55(c). The criteria of I.R.C.P. 55(c) incorporates a "good cause" for untimeliness standard. The I.R.C.P. 55(c) standard takes into account whether the default was willful; whether setting aside the judgment would prejudice the opponent; and whether a meritorious position has been presented. *McFarland v. Curtis* 123 Idaho at 936, 854 P.2d at 279.

Based upon the information set forth in the *Motion*, and based upon the comments of counsel at the hearing, and good cause appearing, the *Motion* is **granted**. The clerk of the Court is instructed to file the previously lodged objection.

Dated November 21, 2006



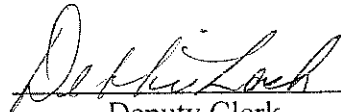
THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION was mailed on 11/22/06 with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

William D. Collins
PO Box 2836
Boise, ID 83701-2836


Deputy Clerk