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DEPARTMENT OF
WATER RESOURCES

2006 DEC 22 AM 10:30

JUDICIAL DISTRICT - SRBA
TWIN FALLS CO., IDAHO
FILED *af*

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	)	ORDER ON MOTION TO FILE
	)	LATE OBJECTION AND SETTING
Case No. 39576	)	SUBCASE DEADLINES
	)	
	)	SUBCASE NOS.: 27-2125A, 27-2126,
	)	27-7005, 27-7065, 27-7089, 27-7093,
	)	27-7095, 27-7098, 27-7306, 27-7315,
	)	AND 27-7561

I. PROCEDURAL BACKGROUND

A *Motion to File Late Objection* was filed on October 6, 2006, in the above listed water rights. A hearing was held December 12, 2006.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules provide that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order I (AO1) § 4 (d)(2)(d)*.

According to case law and the Rules of Civil Procedure, a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late answer. Motions for Late Objection have been reviewed in the SRBA under the same criteria of Rule 55(c). The proponent of a Motion for Late Objection, like a party seeking to file an untimely answer, must show both "good cause" for untimeliness and the existence of a "meritorious position." I.R.C.P. 55(c).

III. ANALYSIS

In support of the *Motion*, movants submitted *Affidavits* explaining why the objections were late. In addition, the movants explained that the late objections relate to a common issue.

No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the late objection.

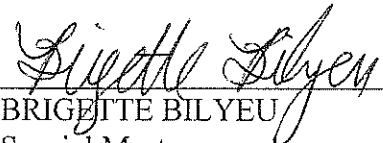
IV. FINDINGS

This Special Master finds "good cause" for the untimeliness of the *Objections* and a meritorious position. Therefore, the *Motions to File Late Objections* are **granted**. The *Objections* previously lodged shall be filed and dated December 12, 2006.

IT IS ORDERED that the following deadlines shall govern further proceedings:

January 19, 2007	5:00 pm	Deadline to file Response
February 7, 2007	10:00am	Status Conference
		Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

DATED: December 22, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON MOTION TO FILE LATE OBJECTION AND SETTING SUBCASE DEADLINES was mailed on December 22, 2006, with sufficient first-class postage to the following:

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