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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. 79-10206
	)	
	)	MOTION TO FILE LATE OBJECTION
	)	
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, Department of Lands, by and through the undersigned deputy attorney general, moves this court to enter an order accepting for filing the attached *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 79, for Irrigation and Other Water Rights were due on February 28, 2007.

2. The Idaho Department of Lands prepared a written request to file objections to water rights reported in the Director's Report for Basin 79 and delivered that request to the office of David J. Barber, Deputy Attorney General, on or about Thursday, February 22, 2007. *Affidavit of Dixie Booker-Lair Dated March 19, 2007*, at 2. Mr. Barber was in the final stages of trial preparation involving the water rights claimed by the City of Pocatello and was not aware of the request until after the deadline for filing objections on February 28, 2007. *Affidavit of David J. Barber dated March 19, 2007*, at 2.

3. The State of Idaho, Department of Lands, through inadvertence and the press of other matters pending before this Court, failed to file a timely objection to water right no. 79-10206. An *Objection* is attached to this Motion, which the State of Idaho, Department of Lands, is requesting that it be allowed to file in this matter. The nature of the objection by the State of Idaho, Department of Lands, involves the diversion and use of water under water right no. 79-10206 on land that is owned and administered by the movant. The claimant has no authority to occupy this land in this manner.

4. While no timely objections have been filed to this water right, it is in the best interest of justice that the attached *Objection* be filed to resolve the issues raised by the movant.

5. 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 *Objection*.

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

DATED this 20th day of March 2007.

LAWRENCE G. WASDEN
Attorney General

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



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 20th day of March 2007, I caused to be served the original and/or copy of this MOTION TO FILE LATE OBJECTION on each of the following persons by the indicated method.

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
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Twin Falls, ID 83303-2707

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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
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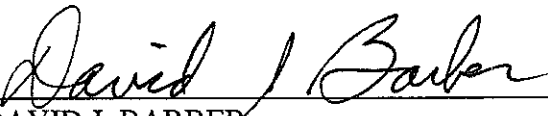
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Not Applicable



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