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DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

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

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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 63-4679
	)	
	)	MOTION TO FILE LATE OBJECTION
	)	
Case No. 39576	)	
	)	
	)	
_____	)	

The State of Idaho, Department of Fish and Game ("IDFG"), 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 63, Part 3, for Irrigation and Other Water Rights were due on June 20, 2007

2. The undersigned deputy attorney general had discussed in a general way the preparation and filing of an objection for this water right with Dr. Poole of IDFG. However, no final decision had been made by June 18, 2007. The undersigned deputy attorney general attempted to contact Dr. Poole at IDFG on several occasions during the period from June 18-20, 2007 regarding the filing of an objection for this water right. He did not reach Dr. Poole until after the deadline. *Affidavit of David J. Barber Dated June 25, 2007* at 1-2. A timely objection was not filed as a consequence.

3. Water right no. 63-4679 provides water to a 3,000 acre foot storage reservoir known as "Indian Creek Reservoir," that the IDFG has stocked with cold water and warm water fish. *Affidavit of Walton Poole Dated June 25, 2007* at 1-2. Recent years of drought have depleted the water and reduced the fishery. Since this reservoir is close to the largest metropolitan area of the State, it may provide a substantial recreational fishing opportunity to nearby residents

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.

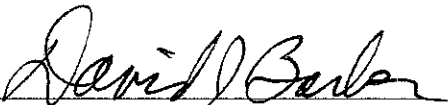
PRAYER FOR RELIEF

1. That the Court set this matter for hearing.
2. That the Court enters 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 26^h day of June 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 26th day of June 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
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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State of Idaho
Dept. of Fish and Game
PO Box 225
Boise, ID 83303

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

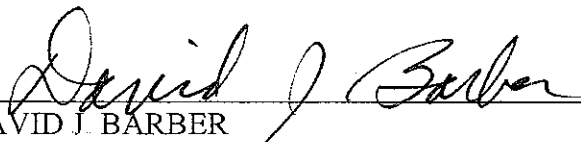
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Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General