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DEPARTMENT OF
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	)	Subcases 74-40, 74-54, 74-15212 and 74-
	)	15213
Case No. 39576	)	(Leadore Land Partners Ltd Partnership)
	)	
	)	ORDER GRANTING MOTIONS
	)	TO FILE LATE OBJECTIONS
	)	AND SETTING SCHEDULING
	)	CONFERENCE

Late Objections

On March 15 and 16, 2007, F. James Whittaker wrote letters to the SRBA Court in subcases 74-40 and 74-54, seeking to file late objections. In subcase 74-40, Mr. Whittaker objected to source, quantity and point of diversion; in subcase 74-54, he alleged the water right should not exist. Three other parties lodged similar objections.

Richard E. Foster lodged a late objection in subcase 74-54 on March 23, 2007, alleging the water right should not exist. The Purcell Ranch Partnership lodged late objections in subcases 74-40 and 74-54 on March 27, 2007, objecting to source and point of diversion (74-40) and alleging the water right should not exist (74-54). Kurt Bird lodged a late objection in subcase 74-54 on March 28, 2007, alleging the water right should not exist.

On April 12, 2007, Mr. Whittaker wrote additional letters seeking to file late objections in subcases 74-15212 and 74-15213. He alleged that those two claims, if added to other claims (74-37, 74-38, 74-39A, 74-40 and 74-41), would overflow the ditches. Mr. Whittaker lodged his *Affidavits* in support of his motions on June 8, 2007. He argued that his late objections are not willful, the objections will not prejudice other parties and his objections are meritorious.

Hearing

A hearing on the *Motions to File Late Objections* was held June 14, 2007. Scott L. Campbell appeared for Mr. Whittaker; Milton A. "Jock" Slavin and Milton Chace Slavin appeared for Karl Tyler / Leadore Land Partners Ltd Partnership; Travis L. Thompson appeared for Lemhi Irrigation District; K. Heidi Gudgell appeared for the Nez Perce Indian Tribe; Allan Purcell, Kurt Bird and Laura Warren (Richard E. Foster) appeared *pro se*; Harriet A. Hensley appeared for the State of Idaho; and Chris M. Bromley appeared for IDWR, along with Andrea Courtney.

Only counsel for Karl Tyler / Leadore Land Partners Ltd Partnership opposed the motions to file late objections arguing that they did not meet the requirements of the SRBA Court. However, given the posture of the subcases, it appears that the movants have shown good cause to file their late objections.

THEREFORE, IT IS ORDERED that:

1. The motions to file late objections filed by F. James Whittaker, Richard E. Foster, Purcell Ranch Partnership and Kurt Bird in subcases 74-40, 74-54, 74-15212 and 74-15213 are **granted**, and
2. A scheduling conference for subcases 74-40 and 74-54 shall be held by telephone conference on **Thursday, September 13, 2007, 1:00 p.m.** Parties may participate by calling 1-225-383-1099 and entering participant code 654400.

DATED July 18, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO FILE LATE OBJECTIONS AND SETTING SCHEDULING CONFERENCE was mailed on July 18, 2007, with sufficient first-class postage to the following:

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