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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN - 7 2008	
By _____	Clerk Deputy Clerk

**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 DEADLINE
	)	
_____	)	SUBCASE NOS.: 22-7215A AND
	)	22-13664

I. PROCEDURAL BACKGROUND

A *Motion to File Late Objection* was filed by Blackfoot Farms, LLC on October 10, 2007, in the above listed water rights. A hearing was held January 2, 2008.

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 1 (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

At the hearing on the *Motion*, the movants explained that the *Objection* filed by Blackfoot Farms LLC was inadvertently filed after the deadline because there was an administrative split proceeding at the time objections were due. In addition, Blackfoot Farms LLC set forth a meritorious position as to the objection. No parties to the SRBA opposed the *Motion*, the lateness of the

Objection was not willful 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 *Objection* and a meritorious position. Therefore, the *Motion to File Late Objection* is **granted**. The *Objection* previously lodged shall be filed and dated January 2, 2008.

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

February 22, 2008

5:00 pm

Deadline to file Response

DATED: January 7, 2008.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

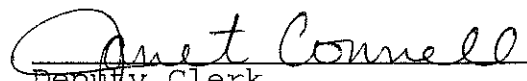
I certify that a true and correct copy of the ORDER ON MOTION TO FILE LATE OBJECTION AND SETTING SUBCASE DEADLINE was mailed on January 07, 2008, with sufficient first-class postage to the following:

BLACKFOOT FARMS LLC

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Deputy Clerk