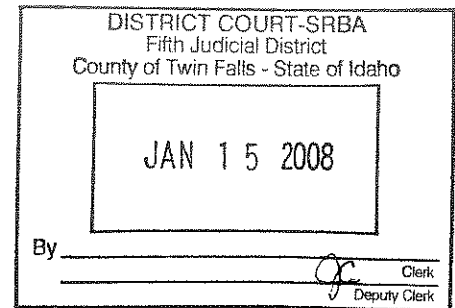




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER ON MOTION TO FILE
	)	LATE OBJECTION AND SETTING
Case No. 39576	)	SUBCASE DEADLINE
	)	
	)	SUBCASE NOS.: 22-4185 and 22-7019

I. PROCEDURAL BACKGROUND

A *Motion to File Late Objection* was filed by the United States Bureau of Reclamation on August 9, 2007, in the above listed water rights. A hearing was held January 9, 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 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*, the United States Bureau of Reclamation submitted the *Affidavit of Jami L. Andersen* and explained that it had filed Twelve (12) timely *Objections* in Basin 22, Part 2, but inadvertently omitted to file three objections prior to the deadline in that basin. The *Objections* to 22-4185 and 22-7019 are two of the late *Objections*. In addition, the U.S. Bureau of Reclamation explained that the basis for the *Objections* were the inclusion of federal land in the place of use

elements.

The lateness of the *Objections* was not willful and “good cause” exists for the untimeliness of the *Objections*. No parties to the SRBA opposed the *Motions*, and there is no showing prejudice would result from allowing the late objections.

IV. FINDINGS

This Special Master finds “good cause” for the untimeliness of the *Objection* and that the Objectors asserted a meritorious position. Therefore, the *Motions to File Late Objections* are **granted**. The *Objections* previously lodged shall be filed and dated January 9, 2008.

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

February 28, 2008

5:00 pm

Deadline to file Response

DATED: January 15, 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 15, 2008, with sufficient first-class postage to the following:

USDI BUREAU OF RECLAMATION

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