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MAY 09 2008

DEPARTMENT OF
WATER RESOURCES

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 (see <u>Exhibit A</u>)
	)	
Case No. 39576	)	MOTION TO FILE LATE OBJECTIONS
	)	
	)	
	)	

Y-3 Ranch, through its attorneys, Givens Pursley LLP, hereby moves this Court for leave to file late objections in the above-referenced subcases.

In subcases where partial decrees have not been entered, a motion to file a late objection may be granted upon a showing of good cause pursuant to Idaho Rule of Civil Procedure 55(c) (which deals with setting aside the entry of a default). *Order on Motion to Set Aside Partial Decrees and File Late Objections*, Subcases 65-7267 *et al.*, slip op. at 6 (January 31, 2001). The Rule 55(c) good cause standard takes into account the following factors:

- (1) whether the default was willful;
- (2) whether setting aside the judgment would prejudice the opponent; and
- (3) whether a meritorious position has been presented.

Id. at 7 (*citing McFarland v. Curtis*, 123 Idaho 931, 936, 854 P.2d 274, 279 (1993)).

Y-3 Ranch can show good cause for this Court to grant its motion to file late objections. First, Y-3 Ranch's failure to file objections before the objection deadline was not willful—it only recently became aware that the original claims and IDWR's water right recommendations did not show the correct places of use for its water rights. Second, an order granting this Motion will not disrupt proceedings or prejudice other parties because these water rights are currently unobjected-to and initial hearings have not yet been scheduled for this subbasin. Third, Y-3 Ranch can show that its places of use should be decreed differently than IDWR recommended. Y-3 Ranch has also filed motions to file amended notices of claims to facilitate new recommendations and decrees with the proper places of use.

For the foregoing reasons, Y-3 Ranch respectfully requests that this Court grant its Motion to File Late Objections.

DATED this 8TH day of May, 2008.

Respectfully submitted,

GIVENS PURSLEY LLP

By:



Michael P. Lawrence

EXHIBIT A

37-51

37-663

37-1231

37-7113A

37-7838A

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8TH of May 2008, the foregoing was filed,

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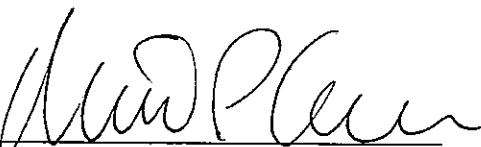
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