

water right should be and provide the reasons supporting the Objections prior to the next status conference rescheduled for August 7, 2008 at 11:00 a.m.

SUPPORTING MEMORANDUM

An Amended Director's Report was issued March 21, 2008, with respect to each of the above-referenced subcases, being all of the natural flow and ground water rights claimed by Claimant Aberdeen-Springfield Canal Company. The objectors filed what appear to be identical Objections to the Amended Director's Report. With respect to subcase 01-23B, Objections were filed to the "Priority date", "Purpose of use", "Place of use", and "Remarks"; and no information was provided with respect to what each element should be and no reasons were provided supporting the Objections. With respect to subcases 01-297, 35-2543 and 35-4246, Objections were filed to the "Place of use" and "Remarks", and similarly no information was provided setting forth what these elements should be and no reasons were provided supporting the Objections.

A Standard Form 1 Objection is one of the standard pleading forms which all parties must use. Rule 4a(1) AO1. Rule 4c provides that "The Court will not accept incorrect or incomplete forms." The Standard Form 1 Objection includes "Instructions for Completing the Objection Form" which requires that the form be completed, to-wit:

- D. Elements of the Water Right.** If you disagree with one or more of the elements in the Director's Report, check the appropriate box(es) and write in the space provided what you think the elements "should be." If you are objecting because you do not think a water right should exist or because a water right was not recommended and should be recommended, mark the appropriate box under No. 10 and explain your reason in paragraph E.
- E. Reasons Supporting Objection.** State the reason supporting your objections(s).

The Objections filed by the Objectors are clearly incomplete because they provided no information and left blank what the objected-to elements of the water right should be and failed to state the reasons supporting their Objections. The Objections should have been rejected at the time of filing because they were incomplete, but since they were accepted and filed by the Clerk, they should now be stricken as incomplete.

The incomplete Objections thwart the very purpose of SRBA Administrative Order 1, Rules of Procedure, amended 10/10/97, to-wit:

“This Order establishes procedures for the trial of claims or issues in the Snake River Basin Adjudication (SRBA) and is entered under the presiding judge’s authority to effectively and expeditiously manage proceedings in this case and may be amended as needed. This Order supersedes all previous Orders.

“IT IS ORDERED that any party to the Adjudication desiring to litigate any claim or issue in the SRBA, including all or any portion of a Recommendation, Abstract or negotiated agreement in the Director’s Report, shall comply with these **Rules of Procedure.**”
(Emphasis added.)

At the status conference conducted May 29, 2008, before Special Master Dolan for purposes of which the Objectors were collectively represented by counsel Travis Thompson, the Special Master and participating counsel noted the incomplete objection and made inquiry about the reasons and basis for the objections. In response counsel for the Objectors provided no information and instead requested that the status conference be rescheduled at a later date to see if there would be late-filed Objections, even though the deadline for filing objections had already expired April 28, 2008, and the deadline for filing Responses to Objections had already expired May 12, 2008. The participating parties acquiesced in the rescheduling request and the Special Master rescheduled the status conference for August 7, 2008 at 11:00 a.m. Subsequently, Claimant’s counsel requested that

the objections be completed and supplemented to permit the reasons therefor to be fully understood and prepare for further proceedings, but the objectors' counsel again refused indicating the request would have to be presented to the Court.

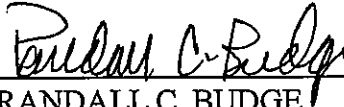
Because the Objections are incomplete neither the Claimant or other participating parties understand the reasons or basis for the Objections and therefore are unable to prepare or participate in the upcoming status conference in a meaningful or effective way. As a result, the status conference is likely to be unproductive, a waste of time and result in further delay.

Based upon the foregoing, the Claimant respectfully requests as follows:

- A. That the foregoing Motion to Strike be scheduled for hearing before the Court.
- B. That the Standard Form 1 Objections filed by the Objectors be found incomplete and stricken from the record for non-compliance with AO1.
- C. Alternatively, that the Objectors be required to amend and supplement their Standard Form 1 Objections not less than 10 days prior to the August 7, 2008 status conference or otherwise be stricken.

DATED this 25th day of June, 2008.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED



RANDALL C. BUDGE
Attorney for Claimant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 25th day of June, 2008, I caused to be served the original and copies of the foregoing document to the following persons by the indicated methods:

Original to: Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
253 Third Avenue North
Twin Falls, Idaho 83303-2707
U.S. Mail

Copy to the Claimant:

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Copy to each of the parties and their attorneys:

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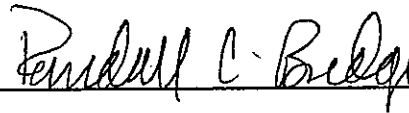
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