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DEPARTMENT OF
WATER RESOURCES

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER (ISB #2597)
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

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	)	Subcase No. 01-00023B
	)	
	)	MOTION TO FILE LATE RESPONSE
	)	TO OBJECTION
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, by and through the undersigned deputy attorney general, moves this court to enter an order accepting for filing the attached *Response to Objection* for the above-entitled subcase. The grounds for this *Motion to File Late Response to Objection* are as follows:

1. *Objections* to water rights recommended in the Amended Director's Report for Subcase Nos. 01-23B, 01-297, 35-2543 & 35-4246 were due on April 28, 2008, and American

Falls Reservoir District #2, hereinafter referred to as "AFRD#2," filed an *Objection* on April 28, 2008. *Responses to Objections* were due on May 13, 2008 in accordance with Administrative Order No. 1, §4d(2)(j)(2).

2. The AFRD#2 listed the following elements as the subjects of its *Objection*: priority date, purpose of use, place of use and the remarks. However, since AFRD#2 did not provide any reasons supporting its *Objection*, the pleadings do not identify the issues involved in its *Objection*.

3. No one would be prejudiced by the State of Idaho's participation in this subcase at this early stage in the litigation, since the issues that are the subject of this *Objection* have not been identified.

4. Oral argument is requested on this *Motion to File Late Response to Objection*.

PRAYER FOR RELIEF

1. That the Court set this matter for hearing.

2. That the Court enter an order that directs the Clerk to file the attached *Response to Objection*.

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3. That the Court grant such other and further relief as the Court deems just and proper.

DATED this 7th day of July 2008.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 7th day of July 2008, I caused to be served the original and/or copy of this MOTION TO FILE LATE RESPONSE TO OBJECTION on each of the following persons by the indicated method.

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☒ Federal Express
- ☐ Facsimile: (208) 736-2121
- ☐ Statehouse Mail

2. Copies to

John K. Simpson
Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson LLP
PO Box 485
Twin Falls, ID 83303-0485

- ☒ U.S. Mail, postage prepaid
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Twin Falls Canal Company
P.O. Box 326
Twin Falls, ID 83303-0326

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A&B Irrigation District
P.O. Box 675
Rupert, ID 83350-0675

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North Side Canal Company
921 N. Lincoln Avenue
Jerome, ID 83338

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Burley Irrigation District
246 E. 100 S.
Burley, ID 83318

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Milner Irrigation District
5294 E. 3610 N.
Murtaugh, ID 83344

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American Falls Reservoir District #2
112 Apple Street
Shoshone, ID 83352

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C. Tom Arkoosh
Capitol Law Group, PLLC
PO Box 32
Gooding, ID 83330

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Minidoka Irrigation District
98 West 50 South
Rupert, ID 83350

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W. Kent Fletcher
Fletcher Law Office
P.O. Box 248
Burley, ID 83318

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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

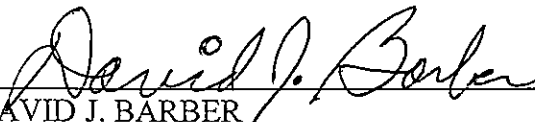
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Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Not Applicable



DAVID J. BARBER
Deputy Attorney General