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DEPARTMENT OF
WATER RESOURCES

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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 Twin Falls Canal Company, North Side Canal Company, Milner Irrigation District, A&B Irrigation District

and Burley Irrigation District, hereinafter referred to as the "Surface Water Users," 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 Surface Water Users listed the following elements as the subjects of their *Objection*: priority date, purpose of use, place of use, and the remarks. However, since the Surface Water Users did not provide any reasons supporting their *Objection*, the pleadings do not identify the issues involved in their *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.

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

- ☒ U.S. Mail, postage prepaid
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A&B Irrigation District
P.O. Box 675
Rupert, ID 83350-0675

- ☒ U.S. Mail, postage prepaid
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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

- ☒ U.S. Mail, postage prepaid
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C. Tom Arkoosh
Capitol Law Group, PLLC
PO Box 32
Gooding, ID 83330

- ☒ U.S. Mail, postage prepaid
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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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Not Applicable



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