



RECEIVED

JUL 08 2008

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. 01-00297         |
|                | ) |                              |
|                | ) | 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*: 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.

#### **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*.

////

////

////

////

////

////

////

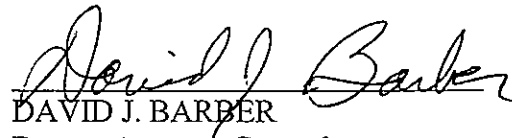
////

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

DATED this 7<sup>th</sup> day of July 2008.

LAWRENCE G. WASDEN  
Attorney General

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

A handwritten signature in cursive script, reading "David J. Barber", is written over a horizontal line.

DAVID J. BARBER  
Deputy Attorney General  
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 7<sup>th</sup> 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  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

Twin Falls Canal Company  
P.O. Box 326  
Twin Falls, ID 83303-0326

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid  
☐ Hand Delivery  
☐ Federal Express  
☐ Facsimile: \_\_\_\_\_  
☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Minidoka Irrigation District  
98 West 50 South  
Rupert, ID 83350

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

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

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

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

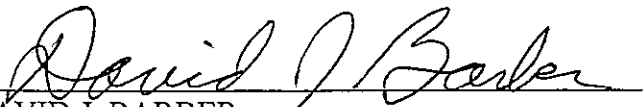
- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

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