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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 Nos. 35-2543 & 35-4246
	)	
	)	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 *Response to Objection* for the above-entitled subcases previously lodged with the District Court on May 28, 2008. The grounds for this motion 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: place of use and the remarks. However, since the Surface Water Users did not provide any reasons supporting its Objection, the pleadings do not identify the issues involved in their objection.

3. The State of Idaho filed a timely *Response* to the initial *Objection* filed by the claimant of these water rights. After the Surface Water Users filed their *Objection* to the Amended Director's Report, the State of Idaho lodged on May 28, 2008, with the District Court a *Response to Objection* for the *Objection* filed by the Surface Water Users. The purpose of the *Response to Objection* was to assure that the State of Idaho continued as a party to these proceedings. During the hearing held on May 29, 2008, the undersigned deputy attorney general was advised that its *Response to Objection* was untimely. Accordingly, the State of Idaho has prepared this *Motion to File Late Response to Objection* to assure that the issue of the State of Idaho's continued participation in this subcase proceeding is resolved.

4. No one would be prejudiced by the State of Idaho's continued 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.

5. 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 *Response to Objection* that the State of Idaho lodged with the District Court on May 28, 2008.

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

- ☒ U.S. Mail, postage prepaid
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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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PO Box 32
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Minidoka Irrigation District
98 West 50 South
Rupert, ID 83350

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P.O. Box 248
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United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, MSC 033
Boise, ID 83724

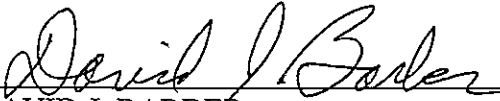
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Not Applicable



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Deputy Attorney General