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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 American

Falls Reservoir District #2, hereinafter referred to as the "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*: the 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 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 AFRD#2 filed the *Objection* to the *Amended Director's Report*, the State of Idaho lodged on May 28, 2008, with the District Court a *Response to Objection* filed by AFRD#2. The purpose of the *Response to the 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

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

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

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2. Copies to

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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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Minidoka Irrigation District
98 West 50 South
Rupert, ID 83350

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

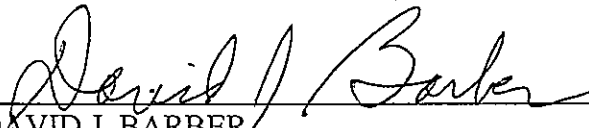
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Not Applicable



DAVID J. BARBER
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