

RECEIVED

JAN 15 2009

Department of Water Resources
Adjudication Bureau

Jerry R. Rigby, ISB #2470
RIGBY ANDRUS & MOELLER CHTD.
P.O. Box 250
Rexburg, Idaho 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Claimant: Stuart L. Felton

**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. 75-10603
	)	
Case No. 39576	)	MOTION TO DISMISS LATE OBJECTION
_____	)	BY DARYL HULL WITH PREJUDICE

COMES NOW, *Stuart L. Felton*, by and through his counsel, Jerry R. Rigby of **Rigby, Andrus & Moeller, Chartered** (hereinafter referred to as Movant) pursuant to SRBA Administrative Order #1 ("AO1") and the Idaho Rules of Civil Procedure, and moves this Court for an Order Dismissing the Standard Form 1 Objection filed by Objector, Daryl Hull, as improperly filed and untimely as it's filing is well beyond the objection period.

The reasons for the motion are set forth below.

Initially, AO1 - Procedures in the SRBA: Rule 4d(1)(d) require that any "objection or response must be received by the court by the deadline specified."

Furthermore, Rule 10 j. requires a would-be objector to fil a "Motion to File a Late Objection when there exists a previously "unobjected-to" recommendation, which then requires that: (1) The motion shall be reported in the Docket Sheet; and (2) A hearing on the motion shall be scheduled by the Special Master assigned to that reporting area and notice of the hearing shall be reported in the Docket Sheet.

Because Mr. Hull has failed to comply with any provision of AO1, his present filing of an SF1 against Claimant should be dismissed. Furthermore, because Mr. Hull has failed to supply any proof or justification as to his tardiness, the dismissal of his objection should be with prejudice.

DATED this 12th day of January, 2009.

Rigby, Andrus & Moeller, Chtd.



Jerry R. Rigby

CERTIFICATE OF MAILING

I certify that on January 12, 2009, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the parties who filed the objections at the following address:

Objector:

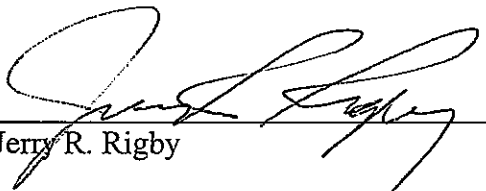
Name: Daryl Hull
Address: 15 Blaze Tree Trail
North Fork, Idaho 83466

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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


Jerry R. Rigby