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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. 02-02080
	)	
	)	MOTION TO FILE LATE RESPONSE
	)	TO OBJECTION
Case No. 39576	)	
	)	
	)	
	)	

The State of Idaho, by and through its counsel of record, 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 the Director's Report for Subcase No. 02-02080 were due on December 5, 2007, and *Responses to Objections* were due on February 5, 2008.

2. Idaho Power Company filed an *Objection* on December 5, 2007 that objected to a provision the Director recommended under "Other Provisions Necessary for Definition or Administration of this Water Right," and proposed to insert additional language in that provision.

3. A *Response* to Idaho Power Company's *Objection* was filed on February 5, 2008 by Jeff C. and Jackie Harper, Basin and Range Resource Company LLC, and Interested Water Users.

4. No party 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 the above-referenced *Objection* and *Response* have not been fully identified.

The State requests oral argument on this *Motion to File Late Response to Objection*.

PRAAYER FOR RELIEF

WHEREFORE, the State of Idaho requests that this Court enter an Order that:

- a. Directs the Clerk to file the attached *Response to Objection*;
- b. Sets this matter for hearing; and
- c. Grants such other and further relief as the Court deems appropriate and proper.

DATED this 4th day of June 2009.

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
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Chief, Natural Resources Division


MICHAEL C. ORR
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on the 4th day of June 2009, 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 methods:

Clerk of the SRBA Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☒ Facsimile: 208-736-2121

Idaho Power Company
Represented by:
James C. Tucker
P.O. Box 70
1221 W. Idaho
Boise, ID 83707

- ☒ U.S. Mail
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State of Idaho
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Boise, Idaho 83720-4449

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- ☒ Not Applicable

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

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