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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 21 2009	
By _____	Clerk Deputy Clerk

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	)	ORDER GRANTING IN PART
	)	MOTION TO FILE LATE
Case No. 39576	)	OBJECTION AND SETTING
	)	SUBCASE DEADLINES
	)	
	)	SUBCASE NO.: 37-118
_____	)	

I. PROCEDURAL BACKGROUND

A *Motion to File Late Objection* was filed by Dean Rogers III on September 10, 2009. A hearing was held on the *Motion* on October 14, 2009.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules set forth that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order I (AO1) § 4 (d)(2)(d)*.

In support of the *Motion*, Dean Rogers III explained that the *Motion for Late Objection* was filed in an attempt to get the source and POD elements described as accurately as possible. Rogers seeks to describe the source as "developed swamp water" rather than swamp tributary to sinks.

John F. Stevenson argued against the *Motion*. Stevenson pointed out that a prior decree described the source as a swamp, not a developed swamp. However, IDWR reported that after a long analysis of this right and several meetings, there is still confusion about the source and the points of diversion. In addition, IDWR reported that it had inadvertently left off a necessary developed water remark. Thus, IDWR asked to review this right and to file an *Amended Directors' Report*.

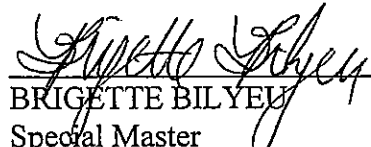
III. FINDINGS

Therefore, the *Motion to File Late Objection* is **granted in part**; IDWR may further investigate and analyze this claim and file an *Amended Directors' Report*. Parties may file *Objections* and *Responses* to the *Amended Directors' Report*.

IT IS ORDERED that the following deadlines shall govern further proceedings:

January 29, 2010	5:00 pm	Deadline to File Amended Directors' Report
February 26, 2010	5:00 pm	Deadline to File Objection
March 19, 2010	5:00 pm	Deadline to file Response

DATED: October 21, 2009.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING IN PART MOTION TO FILE LATE OBJECTION AND SETTING SUBCASE DEADLINES was mailed on October 21, 2009, with sufficient first-class postage to the following:

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