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DEPARTMENT OF
WATER RESOURCES

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Attorneys for the State of Idaho

**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

Case No. 39576

)
) Subcase no. 01-0017
)
) **STATE OF IDAHO'S RESPONSE**
) **TO MILNER IRRIGATION DISTRICT'S**
) **MOTION TO FILE LATE OBJECTION**
)
_____)

Comes now the State of Idaho ("State") and pursuant to this Court's *Order Vacating Trial and Setting Dates*, entered in this subcase on November 10, 2011, and responds to *Milner Irrigation District's Motion to File Late Objection / Supporting Points and Authorities*, filed in this subcase on November 16, 2011 ("*Motion*").

The *Motion* only "moves this Court for an Order Granting Motion to File Late objection" in this subcase, *Motion* at 1, and does not request a ruling on the merits of the

objection that Miner Irrigation District proposes to file. The State does not oppose Milner Irrigation District's request for an order authorizing the filing of a late objection, but does not understand the basis for the proposed objection and therefore disagrees with the proposed objection. The State anticipates filing a response to Milner Irrigation District's proposed objection should the Court grant the *Motion*.

Respectfully submitted this 1st day of December 2011.

LAWRENCE G. WASDEN
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December 2011, I caused a true and correct copy of the foregoing STATE OF IDAHO'S RESPONSE TO MILNER IRRIGATION DISTRICT'S MOTION TO FILE LATE OBJECTION to be filed with the Court and served on the following parties by the indicated methods:

Clerk of the District Court Snake River Basin Adjudication 253 Third Avenue North Po Box 2707 Twin Falls, Id 83303-2707	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
Travis L. Thompson Paul L. Arrington Barker Rosholt & Simpson LLP 113 Main Ave W., Suite 303 Twin Falls, Idaho 83303-0485	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
IDWR Document Depository PO Box 83720 Boise, ID 83720-0098	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
United States Department of Justice Environment and Natural Resource Division 550 West Fort Street, MSC 033 Boise, Idaho 83724	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:

Matt Howard E. Gail McGarry United States Bureau of Reclamation 1150 N. Curtis Road, Suite 100 Boise, Idaho 83706-1234	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
Jerry R. Rigby Rigby, Andrus & Rigby, Chtd. P.O. Box 250 Rexburg, Idaho 83440	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
Candice M. McHugh Racine, Olson, Nye, Budge & Bailey 101 S. Capitol Blvd., Suite 300 Boise, Idaho 83702	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
Robert L. Harris Holden, Kidwell, Hahn & Crapo, PLLC P.O. Box 50130 Idaho Falls, Idaho 83405	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:
Chief of Natural Resource Division Office of the Attorney General State of Idaho P.O. Box 44449 Boise, Idaho 83711-4449	☐ U.S. Mail ☒ Not Applicable ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ E-mail:

Olga L. Valdivia, Legal Assistant