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Attorneys for Petitioner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of)
Rights to the Use of Water from the)
Snake River Drainage Basin Water)
System)
_____)

Case No. 39576

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
director of the Idaho Department of)
Water Resources)

IDWR'S REPLY TO MOTION
TO FILE LATE OBJECTION
TO RIGHT NO. 34-10635

Petitioner,)

vs.)

34-10635 -0001/
93-10-0026

United States; State of Idaho; and all)
unknown claimants to the use of water)
from the Snake River Drainage Basin)
Water System,)

Respondents.)
_____)

DESCRIPTIVE SUMMARY

This document replies to the San Felipe Ranch motion to enter late objection to water right No. 34-10635.

REPLY TO MOTION

The Idaho Department of Water Resources (IDWR) requests the District Court to deny the motion to file a late objection. The objection was due March 1, 1993, and the claimant has failed to provide any explanation of why the objection was not filed timely. Pursuant to I.R.C.P. 60(b), excusable neglect or good cause, must be shown to support the motion.

In addition, San Felipe Ranch has erred in the substance of its objection. San Felipe Ranch claims that the point of diversion listed in the director's report is incorrect. The point of diversion described in the late objection is the ten-acre tract in which the spring is located. Water from the spring flows through natural channels, and is diverted by ditches in the ten-acre tract described in the director's report. The point of diversion is the point at which water is diverted from the natural source. The point of diversion listed in the director's report is therefore correct.

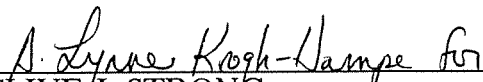
CONCLUSION

IDWR respectfully requests the District Court to deny the motion to file the late

objection for lack of good cause and substantive error in the motion.

Dated this 15th day of October, 1993.

LARRY ECHOHAWK
Attorney General


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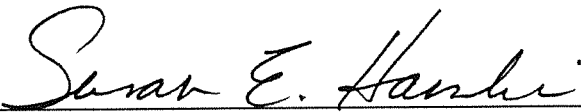

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 1993, I served true and correct copies of the foregoing document on the following persons by mailing in the U.S. mail, first class, with the correct postage affixed thereto.

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