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G. David Nelson
HC 86, Box 4110
Mackay, Idaho 83251

Petitioner

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JAN 21 1994

Department of Water Resources
Adjudication Bureau

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
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,

G. David Nelson's Response
To IDWR's Reply To File
Late Objection To Right 34-10517.

Petitioner,

39576
[34-10517]/
94-01-0041

vs.

The United States; the State of Idaho; and
all Claimants to the use of Water from the
Snake River Basin Water System,

Respondents.

Descriptive Summary

This document is G. David Nelson's response to IDWR's reply to
Motion TO FILE LATE OBJECTION to Right 34-10517.

Response

Pursuant to I.R.C.P. 60(b), support to the motion was inadvertently
omitted from the motion. This document is intended to fulfill
the show for good cause. G. David Nelson lists the following
reasons why an objection was not submitted by March 1, 1993:

1. ERROR in legal description was not found until Dec. 3, 1993.

Conclusion

There being no other means available at this time to correct this
error, G. David Nelson requests the court to allow this motion so
that a CORRECT Point of Use will be adjudicated to this claim.
(34-10517) It was IDWR's suggestion to proceed in this manner, and
petitioner cannot understand why they now request the denial of this
motion.

The error in legal description of Point of Use was made in the original document submitted to IDWR by IDWR appointed investigators. G. David Nelson can only take half the blame for not checking IDWR's recommendation fully enough to find this error. Correctness of this claim is indeed vital to the Point of Use. Therefore, G. David Nelson argues that correctness is what is at issue, not timeliness.

Respectfully submitted this 19 day of Jan. 1994.

G. David Nelson

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I hereby certify that on the 19 day of Jan. 1994, 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.

U.S. Department of Justice
Environmental & Natural Resources Division
550 W. Fort Street, Box 33
Boise, Idaho 83734

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

Original To:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

G. David Nelson

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