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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

39576
[34-00503A]/
94-02-0035

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	)	IDWR'S REPLY TO MOTION TO FILE LATE
	)	OBJECTION TO RIGHT NO. 34-00503A
Case No. 39576	)	
	)	
_____	)	

DESCRIPTIVE SUMMARY

This document replies to Charles W. and Elsie Traughber's motion to enter a late objection to water right no. 34-00503A.

REPLY TO MOTION

The Idaho Department of Water Resources (IDWR) requests the District Court to deny the motion to file a late objection. Pursuant to I.R.C.P. 60(b), excusable neglect or good cause must be shown to support the motion. The Idaho Supreme Court ruled in Washington Federal

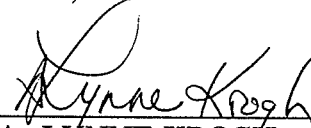
IDWR'S REPLY TO MOTION TO FILE LATE OBJECTION
TO RIGHT NO. 34-00503A --- PAGE 1

S&L v. Transamerica Premier Insurance Co. 94.1 ICAR 32 (Dec. 30, 1993), "ignorance of the law or rules of procedure are generally inexcusable". The objection was due March 1, 1993, and the claimant has failed to provide any explanation of why the objection was not filed timely. Therefore, IDWR respectfully requests the District Court to deny the motion to file the late objection for lack of good cause.

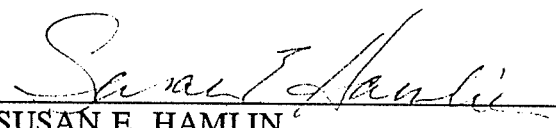
Dated this 10th day of February, 1994.

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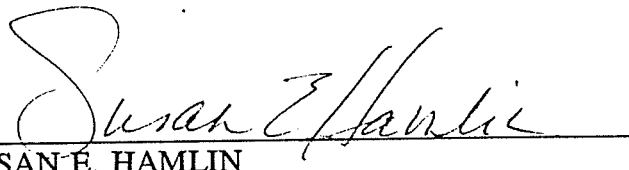
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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of February, 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.

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