

315

RECEIVED

MAR 15 1994

Department of Water Resources
Adjudication Bureau

Movant's Name: Acequia, Inc.

Attorney Name & Address: James P. Speck
Hogue, Speck & Aanestad, P.A.
120 East Avenue
P. O. Box 987
Ketchum, Idaho 93340
(208) 726-4421
FAX: (208) 726-0752

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	)	Subcase No. 36-02193
	)	
Case No. 39576	)	MOTION FOR LEAVE TO FILE LATE
_____	)	OBJECTION

DESCRIPTIVE SUMMARY

This is a motion by the claimant of the water right for leave to file a late objection to the recommended period of use for the water right.

MOTION

Acequia, Inc. ("Acequia"), the claimant of Water Right No. 36-02193 (the "Water Right"), moves this Court for an order granting it permission to file a late objection to the period of use recommended for the Water Right in the Director's Report for Reporting Area 3 (Basin 36) (the "Director's Report"). The grounds for this Motion are as follows:

1. The Director's Report recommends a period of use for the Water Right of April

1 through October 31.

2. The Water Right is based upon a license issued by the Idaho Department of Water Resources ("IDWR") which did not specify or otherwise limit the period of use for the Water Right. The Water Right has historically been used during a period of use from March 15 through November 15. Acequia and its predecessors have a vested interest in and have relied upon this period of use.

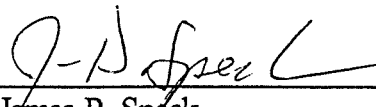
3. The reason the objection was not timely filed is an oversight by Acequia's counsel.

4. Acequia filed a total of thirty-three (33) claims to ground water rights. With the exception of two (2) rights recommended to be disallowed in their entirety, the Director's Report recommends a period of use of April 1 to November 1 for each of Acequia's water rights. It appears from the IDWR Report on Objections Filed in Reporting Area 3 (Basin 36) that objections to the same uniform recommended period of use were filed to seventy-two (72) other ground water rights as recommended in the Director's Report. These objections, which have not yet been resolved, raise the same legal issues and the same or similar factual issues. Granting Acequia leave to file this and its other late objections will not delay any proceedings or prejudice any party to the SRBA.

Oral argument is requested.

DATED this 14 day of March, 1994

HOGUE, SPECK & AANESTAD, P.A.
Attorneys for Acequia, Inc.

By: 

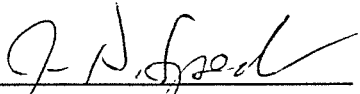
James P. Speck

CERTIFICATE OF MAILING

I hereby certify that on the 14 day of March, 1994, I served a true and correct copy of **MOTION FOR LEAVE TO FILE LATE OBJECTION** by depositing a copy of the same in the United States Mail, postage prepaid, to the following persons at their last known address as set forth below:

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

2. The United States Department of Justice, Environmental and Natural Resources Division, 550 West Fort Street, Box 33, Boise, ID 83724.



JAMES P. SPECK