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Movant's Name:

United States of America
on behalf of the U.S. Fish and Wildlife Service

RECEIVED

Attorney's Name and Address:

AUG 22 1995

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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 SRBA

Case No. 39576

)
) Subcase Nos.: 36-00030
) 36-00043A
) 36-00104A
) [consolidated under Subcase
) No. 36-00012]
)

) MOTION FOR LEAVE
) TO FILE LATE
) RESPONSES TO OBJECTIONS
)

DESCRIPTIVE SUMMARY

Pursuant to the Water Court's Order of July 28, 1995, the United States of America on behalf of the U.S. Fish and Wildlife Service seeks to file its responses to objections to the claims filed in the above-described subcases.

MOTION

COMES NOW the United States of America and moves the Court pursuant to the Court's order of July 28, 1995, to permit the United States to file late responses to objections to the claims filed in the above-referenced subcases.

On October 26, 1992, Idaho Department of Water Resources'

MOTION FOR LEAVE TO FILE LATE RESPONSES TO OBJECTIONS - 1

(IDWR) issued the Director's Report for IDWR basin 36 in the SRBA. The United States agreed with the elements of the claims for the water rights in the above-described subcases except for the period of use. Consequently, the United States filed objections to the period of use described for each subcase in the Director's Report. In addition, the holders of the above-described water rights filed objections to certain elements of their water rights as described in the Director's Report. Thereafter, the Director filed responses to the claimants' objections, supporting the elements as described in the Director's Report, except for adding stockwater use to the purpose of use during irrigation season for subcase no. 36-00030.

On July 28, 1995, this court held that the Director is no longer a party to the SRBA and the Director's Report no longer is considered a pleading. Further, this court provided that parties to the SRBA who relied on the Director may file motions to file late objections and responses until August 18, 1995, for good cause and meritorious position.

This motion is made pursuant to the Court's order of July 28, 1995, on the grounds and for the reasons that the United States relied on the Director's Report for those elements of the subcases indicated on the enclosed Response to Objection forms and on the IDWR's defense of the elements of the water rights as defined in the Director's Report. Because the IDWR is no longer a party to this proceeding, and cannot be relied upon to defend the findings of the Director's Report, the United States requests to file late

responses to objections as follows: Subcase No. 36-00030 - quantity, purpose, and place of use, and consumptive use; Subcase No. 36-00043 - quantity and consumptive use; Subcase No. 36-00104A - quantity, purpose, and place of use, and consumptive use. These responses to objections are in addition to the objections to period of use previously filed.

The United States believes that its position on these matters is meritorious. IDWR has investigated these matters and concluded that the elements in question, with the minor exception described above, were as described in the Director's Report. In addition to the IDWR investigations, the United States has reviewed these matters to the extent possible and concludes that the Director's Report accurately describes the water rights and that the objections are without basis.

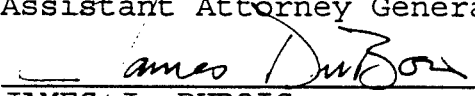
Participation by the United States in these matters will not disrupt the proceedings. The United States is already a party to the described subcases and is not seeking to raise new issues in the subcases. The United States simply seeks to support those elements in the Director's Report to which the respective claimants have objected, and to which the IDWR had responded.

WHEREFORE, for the reasons described above, the United States believes there is good cause for allowing the United States to file late responses to objections and that the United States' positions are meritorious, and respectfully moves this court for an order allowing the filing of late responses to objections in the referenced subcases.

DATED this 17th day of August 1995.

Respectfully submitted,

LOIS J. SCHIFFER
Assistant Attorney General



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CERTIFICATE OF MAILING

I hereby certify that on this 17th day of August, 1995, I served a true and correct copy of the foregoing **Motion for Leave to File Late Responses to Objections** and the accompanying **Responses to Objections** by overnight courier or U.S. mail as noted to the following:

Overnight Courier:

Clerk of the SRBA Court (original)
District Court
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Twin Falls, Idaho 83303

U.S. Mail:

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

Steve Goddard, Deputy A.G.
Idaho Department of Fish & Game
1075 Park Blvd.
Boise, Idaho 83707

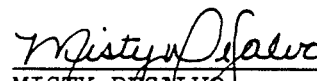
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