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A. LYNNE KROGH
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7920
FAX: (208) 327-7866

ATTORNEYS FOR THE IDAHO
DEPARTMENT OF WATER RESOURCES

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 MOTIONS OF
	)	ACEQUIA, INC., FOR LEAVE TO
	)	FILE LATE OBJECTIONS TO
Case No. 39576	)	RECOMMENDED WATER RIGHT NOS.
	)	36-02125, 36-02126, 36-02127,
	)	36-02128, 36-02129, 36-02130A,
	)	36-02191, 36-02192, 36-02193,
	)	36-02195A, 36-02197, 36-02198,
	)	36-02199, 36-02200, 36-07182,
	)	36-07192, 36-07391, 36-07403,
	)	36-07404, 36-07405, 36-07850A,
	)	36-07932, 36-08106A, AND
	)	36-11290

Descriptive Summary

This document constitutes IDWR's reply to the twenty-four motions filed by Acequia, Inc., for leave to file late objections to the season of use recommended for each of the above-enumerated recommended water rights. IDWR does not oppose the motions.

Reply to Motions for Leave to File Late Objections

The Idaho Department of Water Resources (IDWR) does not oppose the twenty-four motions of Acequia, Inc. (Acequia), for leave to file late objections to the season of use recommended by IDWR for the water rights enumerated above--so long as the scope of those objections is limited to season of use as described in Acequia's motions.

However, IDWR requests, since the proposed objections were not attached to the motions for leave to file late objections, that if the Court should grant the motions it set a date certain by which the objections are to be filed. IDWR will respond to the objections within 60 days after their filing.

IDWR also notes that recommended water right number 36-02193 is based upon an accomplished transfer recommended pursuant to Idaho Code §42-1416A (1989) and recommended water right number 36-11209 is based upon an expansion recommended pursuant to Idaho Code §42-1416(2) (1985). Because of the bench ruling made by the Court on December 21, 1994, staying proceedings in presumption-based subcases pending resolution of Basin-Wide Issue 4, IDWR believes that further action on these two motions for leave to file late objections may have been stayed. However, IDWR does note that the objections which Acequia seeks to assert are not related directly to the presumption statutes themselves.

Therefore, IDWR requests that the Court, as part of its determination of the present motions, initially determine whether further action on the motions for leave to file late objections to

recommended water right numbers 36-02193 and 36-11290 has been stayed, and also determine whether the present stay precludes the filing of those two objections.

DATED this 23rd day of December, 1994.


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 1994, I served a true and correct copy of the foregoing IDWR'S REPLY TO MOTIONS OF ACEQUIA, INC., FOR LEAVE TO FILE LATE OBJECTIONS TO WATER RIGHTS on the each of the following persons by first class mail, postage prepaid, to the address or addresses listed below.

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

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83734

James P. Speck, Esq.
Hogue, Speck & Aanestad, P.A.
P.O. Box 987
Ketchum, Idaho 83340


NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources