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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JAN 31 1995	
By _____	Clerk _____
_____	Deputy Clerk _____

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 No. 34-00503A

ORDER GRANTING MOTION TO
FILE LATE OBJECTION

95-01-0085

On February 7, 1994 William R. Hollifield filed a *Motion to File a Late Objection* (*Motion*) for this water right on behalf of Charles W. and Elsie Traughber. The State of Idaho Department of Water Resources responded with *IDWR's Reply to Motion to File Late Objection to Right No. 34-00503A (Reply)*. IDWR's *Reply* asked the court to deny the *Motion* on the grounds there was insufficient showing of excusable neglect or good cause to support the *Motion*. The claimants filed an *Affidavit of Charles P. Traughber* which stated that Mr. Traughber was advised by a claims investigator that there was no chance of succeeding in proving his claim. In response, IDWR filed two affidavits, *Affidavit of Carter L. Fritschle* and *Affidavit of Paul R. Meyer*. The affidavits filed by IDWR state that Mr. Fritschle and Mr. Meyer did not advise Mr. Traughber against filing an objection.

A hearing on the *Motion* was held on January 17, 1995. At that time, Dan Steckel agreed on behalf of the State of Idaho Department of Water Resources to withdraw its objection to the *Motion* if the claimants would proceed on the *Motion* without requiring a decision regarding the representations allegedly made to Mr. Traughber about filing an objection. Mr. Hollifield agreed, and the hearing proceeded.

The Court therefore declines at this time to decide the issue of whether a claims investigator for IDWR made certain representations to Mr. Traughber or advised him against filing an objection. Should the court find it is necessary to decide these questions during later proceedings in this subcase, the issues may be addressed at that time.

Based on the court file and the oral arguments presented, the court finds that there were no objections to the *Motion* and good cause appearing,

IT IS ORDERED that leave is granted for Charles W. and Elsie Traugher to file a late objection to this subcase. The following deadlines will apply:

January 27, 1995 5:00 p.m. Late Objection Due.

March 24, 1995 5:00 p.m. Response Due.

IT IS SO ORDERED.

DATED January 31, 1995.



BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

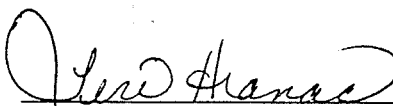
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE OBJECTION** was mail January 31, 1995, with sufficient first-class postage prepaid to the following:

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The United States Department of Justice
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Deputy Clerk