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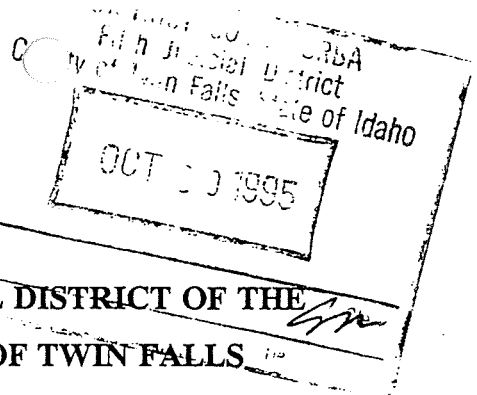
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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL



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: 34-10028

ORDER GRANTING MOTION TO
FILE LATE RESPONSE

95-10-0034

On August 15, 1995, a *Motion to File Late Response (Motion)* was filed in the above subcase by Everett T. Acor, Jr. A hearing on the *Motion* was held October 18, 1995. Mr. Gaylon Andrus argued on behalf of the *Motion*. Mr. Andrus argued that good cause existed to excuse the lateness of the *Response* because Mr. Acor had relied on the participation of IDWR as a party to the subcase and on IDWR's response. Mr. Andrus argued the proposed late response is based on a meritorious position. There were no objections to the *Motion*.

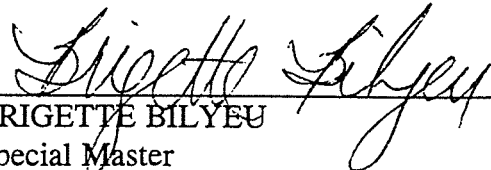
The Standard which Special Masters must apply to these *Motions* has been established by the SRBA Court. On July 28, 1995, Presiding Judge Daniel C. Hurlbutt, Jr. issued *Order Granting in Part, and Denying in Part, Joint Motions for Amendment of Administrative Order 1 (Order)* which establishes a procedure for parties to participate belatedly in subcases due to the removal of the Department as a party and the change in status of the Director's Report. The *Order* also sets forth the criteria for filing a *Motion to File Late Objection* or *Motion to File Late Response*.

2. The court will review the *Motion to File a Late Objection* or *Motion to File a Late Response* under a criteria similar to that contained in I.R.C.P. 55(c). The proponent of such *Motions* must show both good cause for untimeliness and the existence of a meritorious position. In addition, the court may grant such *Motions* with such limitations as are just under the circumstances.

Order at 2.

Therefore, based on the hearing and the record for this subcase, the court finds good cause and a meritorious position exist. IT IS ORDERED that the *Motion to File Late Response* is **GRANTED** and the *Response* previously lodged with this court be deemed filed as of October 18, 1995.

DATED: October 30, 1995.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

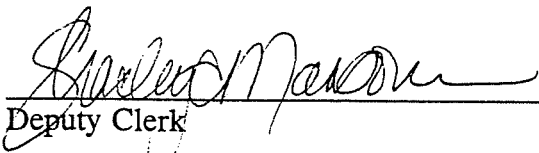
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE RESPONSE** was mailed on October ~~30~~³¹, 1995, with sufficient first-class postage to the following:

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Deputy Clerk