

Movant: J.R. Simplot Company et al.

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ATTORNEY GENERAL

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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	)	J.R. SIMPLOT COMPANY, SIMPLOT
	)	LIVESTOCK CO., J.R. SIMPLOT SELF-
Case No. 39576	)	DECLARATION OF REVOCABLE TRUST,
	)	M. L. INVESTMENT COMPANY, AND
	)	TM RANCH COMPANY'S MOTION TO
	)	FILE LATE OBJECTION AND REQUEST
	)	FOR EXPEDITED HEARING

DESCRIPTIVE SUMMARY

95-10-0036

J.R. Simplot Company, Simplot Livestock Co., J.R. Simplot Self-Declaration of Revocable Trust, M. L. Investment Company, and TM Ranch Company's, hereinafter collectively referred to as Simplot, motion for leave to file late objections to the following federal reserved water rights claims: 51-12756, 51-12761, 55-13485, 55-13487, 55-13476, 55-13477, and 13486, filed by the United States on behalf of the Shoshone-Paiute Tribes, hereinafter referred to as Tribes.

MOTION

Simplot hereby moves for leave to file late objections to the following federal reserved water rights claims: 51-12756, 51-12761, 55-13485, 55-13487, 55-13476, 55-13477, and 13486, filed by the United States on behalf of the Shoshone-Paiute Tribes, hereinafter referred to as Tribes.

ARGUMENT

Simplot claims water rights in this adjudication which may be adversely affected by the aforementioned claims filed by the United States on behalf of the Tribes. Simplot has been involved in settlement negotiations with the Tribes, the United States, acting on behalf of the Tribes, and the state of Idaho regarding the Tribes' water right claims, and has coordinated its participation in these negotiations through the state of Idaho.

Simplot intended to file necessary objections to all claims which may adversely impact its water rights. Simplot conducted an extensive good faith investigation into more than 7,000 claims on the Snake, Payette, and Salmon rivers. However, Simplot did not identify the Tribes' claims as adverse to its own prior to the deadline for filing objections. In fact, Simplot first discovered this mistake on October 24, 1995 when its counsel received a copy of the State of Idaho's Motion to File Late Objections.

Upon discovery of the Tribes' adverse claims, Simplot's counsel has worked to generate the objections in a timely manner so that they could be filed as quickly as possible. Due to the short time frame that has elapsed since the objection deadline, no prejudice will result to the United States if this motion to file late objections is granted. Therefore, Simplot respectfully requests that the Court grant its Motion to File Late Objections.

EXPEDITED HEARING

Simplot respectfully requests this Court for an expedited hearing on these matters.

Dated this 30th day of October, 1995.



Terry F. Uhling, Assistant General Counsel
J.R. Simplot Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, I caused to be served a true and correct copy of the foregoing **MOTION TO FILE LATE OBJECTIONS AND REQUEST FOR EXPEDITED HEARING** by method indicated below, and addressed to each of the following: in the United States Mail, postage prepaid, and addressed to the following:

The Snake River Basin Adjudication
Court Clerk
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy

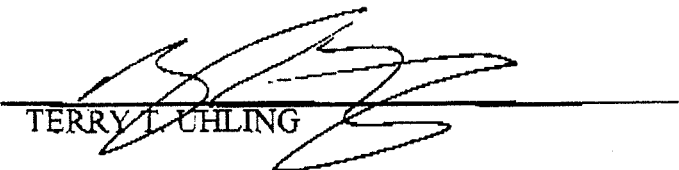
Chief, Natural Resources
Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy

United States Department of Justice
Environment and Natural Resources
Division
550 W. Fort St., MSC 033
Boise, ID 83724

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
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Court Certificate of Mailing for Expedited Hearing dated September 12, 1995.


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