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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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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) Subcase Nos. 36-00133 and 36-00192
)
)
) ORDER GRANTING MOTION TO
Case No. 39576) FILE LATE RESPONSES
)
)
)

95-12-0007

On August 18, 1995, the Idaho Department of Fish and Game (Fish and Game) filed its *Motion to File Late Response, or in the Alternative, Motion to Participate (Motion)* in the above two subcases. The same date, Fish and Game lodged responses to objections in each subcase. Fish and Game seeks to file its late responses because its claims to year 'round wildlife use as a shareholder of the claimant, Big Bend Irrigation and Mining Co. (Big Bend), will not otherwise be protected. Fish and Game only recently discovered this lapse too late to file timely objections or responses.

A postponed hearing was held on December 4, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Rinda R. Just appeared in person on behalf of Fish and Game. Lloyd J. Webb appeared in person on behalf of Big Bend which did not oppose the *Motion*. Nicholas B. Spencer appeared by telephone on behalf of IDWR. Daria Zane appeared by telephone on behalf of the United States to announce that it has completed and will soon cause to be filed a stipulation to withdraw its objections in both subcases.

After considering the pleadings and hearing arguments of counsel, it is clear that Fish and Game has (1) timely filed its *Motion*, (2) shown good cause to file late responses and (3) alleged facts which constitute a meritorious position.

Therefore, IT IS ORDERED that the *Motion* is **granted**. Responses to the objections lodged with the *Motion* are deemed filed the date of this Order.

DATED December 5, 1995.



TERRENCE A. DOLAN

Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE RESPONSES** was mailed on December 5, 1995, with sufficient first-class postage to the following:

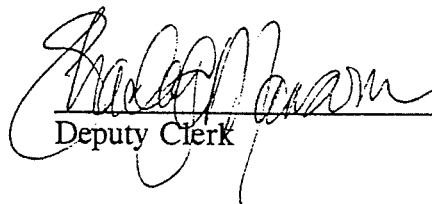
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Rinda R. Just
Deputy Attorney General
Parks and Recreation Department
Statehouse, ID 83720
Rep.: Idaho Department of Fish & Game


Deputy Clerk