

RECEIVED

DEC 6 8 1995

Department of Water Resources
Adjudication Bureau

1995 DEC -1 PM 1:48
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *SM*

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 No.: 36-02660
)
)
)

Case No. 39576

**ORDER GRANTING MOTION TO
FILE LATE OBJECTION**

On August 18, 1995, claimant State of Idaho Transportation Department (ITD) filed its *Motion to File Late Objection to the Director's Report*. The *Motion* alleges that ITD failed to file a timely objection to erroneous recommendations in the Director's Report concerning the point of diversion and place of use because it relied on IDWR to represent all state agencies' proprietary water right interests. After the Director and IDWR were removed as parties to the SRBA, ITD first learned of errors in the legal descriptions.

A hearing was held before the Special Master on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. George M. Parham appeared in person on behalf of ITD and Brent R. King appeared in person on behalf of IDWR.

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

Therefore, IT IS ORDERED that the *Motion* is **granted**. The Objection lodged with the *Motion* is deemed filed the date of this Order. Responses to the objection shall be filed no later than January 31, 1996.

DATED: December 1, 1995.



Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

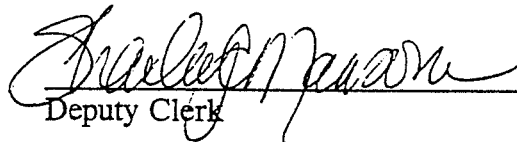
CERTIFICATE OF MAILING

I certify that a true and correct copy of **ORDER GRANTING MOTION TO FILE LATE OBJECTION** was mailed on December 1, 1995, with sufficient first class postage prepaid to the following:

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83201-4449

United States Dept. Of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

George M. Parham
Dept. Of Transportation
P.O. Box 7129
Boise, ID 83707-1129


Deputy Clerk