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Department of Water Resources

DEC 22 PM 2:46
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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.: 36-02206, 36-02725
	)	and 36-07491
	)	
Case No. 39576	)	ORDER DENYING EMERGENCY
	)	MOTION
	)	and ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTIONS

On August 18, 1995, claimant Sundance, Inc., filed its *Motion to File Late Objections (Motion)* in the above three subcases. The affidavit attached to the *Motion* alleged that the claimant relied upon the IDWR Director to defend the Director's Report, particularly the General Provision concerning season of use. Since the legislature removed IDWR and its Director as parties to the SRBA, the claimant must file objections to adequately protect its claims to water rights. Objections were lodged in each subcase the same date.

The United States of America, Department of the Interior, Bureau of Land Management, is a party to Subcase No. 36-02725 having filed an objection in 1993. On December 18, 1995, the United States filed its *Emergency Motion for Extension of Time for Hearing on Motion to File Late Objection (Emergency Motion)*.

A hearing was held on December 20, 1995, at the SRBA Courthouse in Twin Falls, Idaho. John K. Butler appeared in person for the claimant and Brent R. King appeared in person for IDWR. Mr. Butler represented to the Court that he spoke with counsel for the United States, Daria J. Zane, before the hearing and learned that the United States does not oppose the *Motion*. Hence, the *Emergency Motion* is moot.

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

Therefore, IT IS ORDERED that:

1. The United State's *Emergency Motion* is **denied**; and
2. The claimant's *Motion* is **granted**. Objections lodged with the *Motion* are deemed filed the date of this Order. Responses to the objections shall be filed no later than January 19, 1996.

IT IS SO ORDERED.

DATED December 22, 1995.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

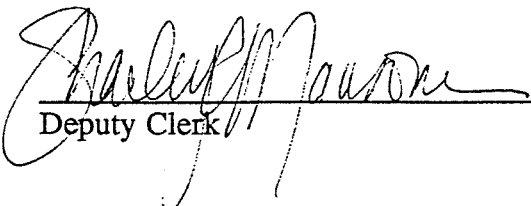
I certify that a true and correct copy of the ORDER DENYING EMERGENCY MOTION and ORDER GRANTING MOTION TO FILE LATE OBJECTIONS was mailed on December 22, 1995, with sufficient first-class postage to the following:

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

Daria Zane
The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

John K. Butler
126 2nd Avenue North
Twin Falls, ID 83301

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098



Deputy Clerk