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Department of Water Resources
Adjudication Bureau

OFFICE OF THE
ATTORNEY GENERAL

Claimants:

Dan H. and Irma R. McFaddan

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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. 36-00049

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CLAIMANT'S RESPONSE TO
STATE OF IDAHO'S MOTION
TO FILE RESPONSE

)

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Case No. 39576

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Pursuant to the Special Master's written order dated December 11, 1995,
claimants submit the following response to the State's Motion to File Late Response in this
subcase.

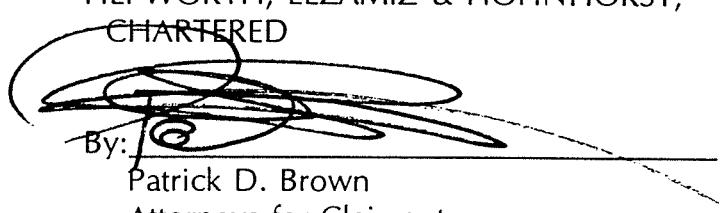
The State's Motion is purportedly made under this Court's "Order Granting in
Part, Joint Motions for Amendment of Administrative Order," dated July 28, 1995. The
master is required to deny the motion as it is insufficient as a matter of law.

1 The July 28, 1995 Order requires any movant to establish both good cause for
2 untimeliness and the existence of a meritorious position. The State of Idaho has submitted
3 no documents of any evidentiary nature to establish such a showing. Consequently, there
4 is no factual basis for the court upon which the special master may base a finding of good
5 cause or meritorious position.

6 Therefore, the claimants respectfully request that the special master deny the
7 Motion to File Response.

8 Dated this 5th day of January, 1996.

9 HEPWORTH, LEZAMIZ & HOHNHORST,
10 CHARTERED

11 By: 

12 Patrick D. Brown
13 Attorneys for Claimants
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CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that on the 5th day of January, 1996, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

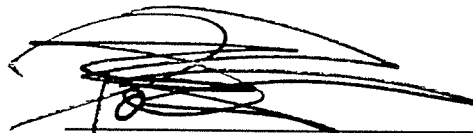
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Jeffrey C. Fereday
Givens, Pursley & Huntley
P. O. Box 2720
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Patrick D. Brown

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