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Movant: Little Valley Mutual Irrigation Co.

D. V. STEENSON
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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In Re SRBA	)	SUBCASE NO. 57-02202
	)	LITTLE VALLEY MUTUAL
CASE NO. 39576	)	IRRIGATION COMPANY'S
	)	MOTION TO FILE LATE
	)	OBJECTIONS
_____	)	

DESCRIPTIVE SUMMARY

96-03-0081

This is Little Valley Mutual Irrigation Company's motion for leave to file late objections to water right claim 57-02202 filed by J. R. Simplot Company.

MOTION

Little Valley Mutual Irrigation Company (Little Valley) hereby moves for leave to file late objections to water right claim 57-02202 filed by J. R. Simplot Company (Simplot).

ARGUMENT

Little Valley and Simplot have conducted negotiations and informal discovery regarding their dispute as to the ownership of the well water right claimed by Simplot in subcase no. 57-02203A. Little Valley and Simplot agree that water right 57-02203A is owned by Little Valley and has been used as a supplemental water source for delivery to all the lands served by Little Valley, rather than only those lands identified in Simplot's Notice of Claim. Little Valley, Simplot, and the Department of Water Resources are in the process of obtaining the information and preparing the pleadings necessary to change the identity of the claimant and the place of use, and resolve subcase 57-02203A by stipulation.

Water right 57-02202 is a second water right for the same well. As a result of the aforementioned negotiations and discovery, Little Valley and Simplot recognize that 57-02202 is also owned and used by Little Valley as a supplemental water source for delivery of water to the lands served by Little Valley. This information was communicated to the Water Master for Basin 57, Fritz Haemmerle, at the March 22, 1996 status conference in Subcase No. 57-02203A.

If the Court grants this motion, Little Valley anticipates that the resulting subcase will be resolved by stipulation in the same or similar manner that Subcase No. 57-02203A is being resolved.

Filed herewith is Little Valley's proposed Objection.

Dated this 25th day of March, 1996.

RINGERT CLARK CHARTERED

By 
D. V. Steenson

CERTIFICATE OF SERVICE

I certify that on this 25th day of March, 1996, I served a true and correct copy of Little Valley Irrigation Company's Motion to File Late Objections by placing a true and correct copy thereof in the United States mail, postage prepaid, addressed as follows:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box MSC 033
Boise, Idaho 83724

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

J.R. Simplot Company
P.O. Box 27
Boise, ID 83707


Daniel V. Steenson