

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2014

By _____

Clerk

Deputy Clerk

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

Case No. 39576

ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINES AND AMENDED TRIAL SCHEDULE

SUBCASE NO.: 31-12314

I. PROCEDURAL BACKGROUND

A Pretrial Conference was held on July 23, 2014. At the hearing, the claimant Paul Gunderson explained that an agreement has been reached with respondents the Carl and Gladys Lundholm Estate. In addition, an *Amended Director's Report* was filed June 19, 2014. No objections or responses were filed. However, the claimant moved to file a late objection. There was no opposition to the *Motion*.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules set forth that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). ***SRBA Administrative Order 1 (AO1) § 4 (d)(2)(d).***

According to case law and the Rules of Civil Procedure, a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late answer. Motions for Late Objection have been reviewed in the SRBA under the same criteria of Rule 55(c). The proponent of a Motion for Late Objection, like a party seeking to file an untimely answer, must show both “good cause” for untimeliness and the existence of a “meritorious position.” I.R.C.P. 55(c).

At the hearing, the claimant set forth good cause and a meritorious position which were unopposed. The *Motion to File Late Objection* was **granted**.

Please be advised that Special Master Brigitte Bilyeu has set the following dates in the above listed subcase:

July 23, 2014	5:00 pm	Deadline to File Written Objection
<u>VACATED</u>	<u>July 25, 2014</u>	Exchange Witness/Exhibit Lists. Trial Brief Deadline.
July 29, 2014	5:00 pm	Deadline to File Response
July 30, 2014	10:00 am	<u>Continued Pretrial Conference</u> Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
July 30, 2014	10:00 am	<u>Exchange Witness/Exhibit Lists.</u> <u>Trial Brief Deadline.</u>
<u>VACATED</u>	<u>August 4, 2014</u>	Trial (1/2 day)
August 5, 2014	10:00 am	<u>Trial (1 day)</u> Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

Parties may participate by telephone for the Cont. Pretrial Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509#. If you have any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

DATED: July 23, 2014.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINES AND AMENDED TRIAL SCHEDULE was mailed on July 23, 2014, with sufficient first-class postage to the following:

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