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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 31 2015	
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 CSRBA	)	ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTION AND
Case No. 49576	)	SETTING DEADLINE
	)	
	)	SUBCASE NO.: 92-10036
	)	
_____	)	

I. PROCEDURAL BACKGROUND

A *Motion to File Late Objection* was filed by Rodney Lindberg on July 10, 2015. A hearing was held on the *Motion* on August 26, 2015. Claimants George and Deanna Wine did not attend the hearing.

II. STANDARD OF REVIEW

The CSRBA Administrative Orders establish that *Motions to File a Late Objection* are to be reviewed under the criteria of I.R.C.P. 55(c). *CSRBA Administrative Order 1* (AO1) § 4 (d)(5)(a).

According to *AOI* Rule § 4(d)(5)(a), a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late objection. The proponent of a Motion for Late Objection, must show "good cause" and a "meritorious position." I.R.C.P. 55(c).

III. DISCUSSION

In support of the *Motion*, Mr. Lindberg argued that there is good cause and a meritorious position. Mr. Lindberg explained that the *Director's Report* recommendation for this water right lists only Deanna and George Wine as claimants, and does not list Mr. Lindberg. However, the *Director's Report* for this right describes 2 homes, and a quantity of water for both. Mr. Lindberg argued that he owns one of the homes described in the *Director's Report*. Once Mr. Lindberg

understood how the right had been recommended, he filed a *Late Notice of Claim* under 92-11015 in order to claim a water right for his home. The District Court issued an *Order* allowing that Late Claim. (June 17, 2015) Mr. Lindberg explained that he needed to file a Late Objection for this water right to ensure accuracy in the CSRBA decrees.

No parties to the CSRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the late objection.

IV. FINDINGS

There was no opposition to the *Motion*. Therefore, the *Motion to File Late Objection* is **granted**. IT IS ORDERED that the following deadlines shall govern further proceedings:

September 9, 2015 5:00 pm (PT) Deadline to file Response to Objection

Dated: August 31, 2015.



BRIGETTE BILYEU
Special Master
Coeur d'Alene-Spokane River Basin Adjudication

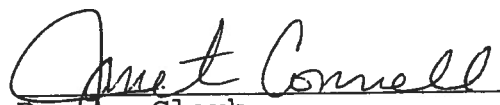
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINE was mailed on August 31, 2015, with sufficient first-class postage to the following:

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Deputy Clerk