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Department of Water Resources

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Attorneys for Emmett Irrigation District

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. 65-11412 and 65-11412A

Case No. 39576

**MOTION TO CONTINUE SUMMARY  
JUDGMENT HEARING**

Emmett Irrigation District, by and through its counsel of record, Moffatt, Thomas, Barrett, Rock & Fields, Chtd., hereby moves the Special Master to vacate the Motion for Summary Judgment Hearing currently scheduled for Friday, May 2, 2003, at 10:00 a.m., at the Gem County Courthouse, Emmett, Idaho. Settlement negotiations have produced a document which is very close to being acceptable to the parties. An additional period of time, no greater than three weeks, will permit the parties to conclude or finally reject a negotiated resolution to this litigation. The District requests the Court to consider the present Motion by telephone conference call at 10:00 a.m. on Friday, May 2, 2003.

The District also requests the Court to schedule a telephone status conference during the week of May 27, 2003, with the exception of the morning of May 29, to inform the

Court of the results of the final settlement negotiations. If, at the time of the telephone status conference, settlement has not been reached by the parties, the parties request that the Special Master set a time and date for hearing on the Motions for Summary Judgment after June 9, 2003.

Based upon numerous telephone communications, Mr. David Gehlert, counsel for the United States, concurs with the requests presented herein.

DATED this 30th day of April 2003.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By Scott L. Campbell  
Scott L. Campbell - Of the Firm  
Attorneys for Emmett Irrigation District

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of April 2003, I caused a true and correct copy of the foregoing **MOTION TO CONTINUE SUMMARY JUDGMENT HEARING** to be served by the method indicated below, and addressed to the following:

David W. Gehlert  
US Department Of Justice  
Environment & Natural Resource  
550 West Fort Street, MSC 033  
Boise, ID 83724

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☐ Hand Delivered  
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Director of IDWR  
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