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Department of Water Resources

Roseberry Irrigation District

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

	)	
	)	
In Re SRBA	)	Subcase No. 65-03115
	)	
Case No. 39576	)	MOTION TO CONTINUE HEARING
	)	
	)	
_____	)	

Pursuant to Rule 10(l) of Snake River Basin Adjudication ("SRBA") Administrative Order No. 1 and Rule 7(b)(1) of the Idaho Rules of Civil Procedure, the Roseberry Irrigation District, by and through its counsel of record, Dana L. Hofstetter, respectfully moves the Court to continue the priority date evidentiary hearing in the above-referenced subcase. The hearing currently is set for February 19, 2003. The Roseberry Irrigation District respectfully requests a continuance until the second or third week of March 2003.

The grounds for this Motion are as follows:

1. The two Roseberry Irrigation District board members who have taken an active role in assisting legal counsel with these SRBA proceedings, Joe Eld and Lyle Points, are engaged in elk feeding activities near Donnelly during the winter months, including February. Mr. Eld and Mr. Points believe it would be difficult for them to participate in an evidentiary hearing in Emmett on February 19, 2003 in view of their elk feeding responsibilities.
2. By the second and third weeks of March 2003 (the weeks of March 10 and March 17), Mr. Eld and Mr. Points anticipate that it no longer will be necessary for them to provide hay to the elk and their farming activities likely will not yet be fully underway. Accordingly, they expect that they will be available to attend an evidentiary hearing at that time.
3. This request of an approximately one month continuance is not expected to inconvenience other parties. By a *Stipulation and Agreement* filed on November 18, 2002, the Roseberry Irrigation District settled matters relating to this subcase with the other two parties involved, the Black Canyon Irrigation District and the U.S. Bureau of Reclamation. Thus, these other two parties are not expected to participate in the priority date hearing.

DATED this 10th day of JANUARY, 2003.

HOFSTETTER LAW OFFICE, LLC
For the Roseberry Irrigation District

By



Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of January, 2003, I caused to be served copies of the foregoing **MOTION TO CONTINUE HEARING** by the methods indicated below:

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U.S. Department of Justice
Environmental & Natural Resources Division
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Boise, ID 83724
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Idaho Department of Water Resources
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