

SRBA Court

Motion for continuance
April 14, 2005

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED GC

2005 APR 14 PM 3 20

I wish to file a motion for continuance of the hearing set for April 20, 2005 on the following grounds:

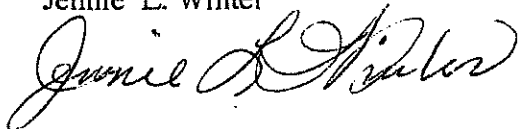
We took very seriously Special Master Bilyeu's charge to try to work out some sort of agreement that would be pleasing to both parties. In light of this, we have felt that we are between the proverbial rock and hard place; therefore, I felt it necessary to hire a water claims expert to examine the amount of water that is currently running, the only point of diversion (which is some distance from the Moon property) and the length of time which it takes for the water, which is running at full capacity at this time, to get there.

I would like this information filed with the court because of the nature of the Sluder/Moon recommendation, which has placed an unrealistic expanded use on the unnamed stream in question. We felt that Special Master Bilyeu may view us as unreasonable people in light of Mr. Harrison Moon's portrayal of his situation; e.g., "We didn't see a drop of water." The fact is that the stream barely ran at all last year. We feel that in order to avoid the kinds of complaints and accusations and monitoring of our use of the water that we have been subjected to in the past at the hands of Sluder/Moon, that the terms of senior and junior water rights need to be made very clear. In this case, if the drought continues and the stream fails to produce water, it would not matter how much water Mr. Moon was allotted, he still wouldn't get any because of the volume of the stream. The water from the unnamed stream was never historically applied to any part of the acreage Sluder/Moon now own, and there has never been enough water for the expanded use on an additional acre of ground. This poses a real dilemma for us which needs to be addressed before these decrees are finalized.

I hope that you will consider this and extend the time for the hearing. I will make every attempt to get the information to the court in time for review; however I was unable to schedule a water engineer until Friday evening, April 15 and feel that it will take more time than by next Wednesday.

We feel that this report is vital to this hearing in that we realize that the court could impose certain requirements for the division of the water if it deemed it necessary. Therefore, we want the court to have all the information at hand if this is the case. Thank you for your consideration of this motion.

Jennie L. Winter



Charles E. Winter

