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Attorneys for Objector/Claimant,
 Ben D. Jernberg and Idaho Properties, LLC

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 No. 31-11845
	)	
Case No. 39576	)	EMERGENCY MOTION
	)	<u>REQUESTING CONTINUANCE</u>
	)	
_____	)	

COMES NOW Michael P. Tribe, the attorney of record for Objector, Ben D. Jernberg and Idaho Properties, LLC, and does hereby request that the trial in subcase No. 31-11845 be continued due to health condition of Dr. Dale Stukenholtz who was to serve as an expert witness for Claimant/Objectors. This Motion is supported by the affidavit of Michael P. Tribe filed in Support of this *Motion Requesting Continuance of Trial*.

Dr. Stukenholtz had a serious heart attack last week and is unable to participate or communicate with counsel for Claimant/Objectors. Counsel for Claimant/Objectors learned of DR. Stukenholtz's condition on the afternoon of November 30. The trial should be continued

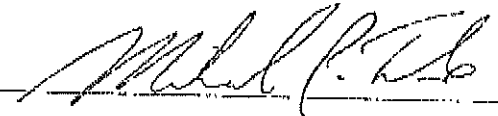
until the health of Dr. Stukenholtz can be determined or until Claimant/Objectors can retain an additional expert witness. Claimant/Objector's case will be materially prejudiced by the lack of an expert witness in Dr. Stukenholtz's area of expertise.

Based on the above, Claimant/Objectors respectively requests that this Court vacate the December 4, 5 and 6 trial setting until a determination can be made with regards to Dr. Stukenholtz's ability to testify and for a determination if he will ever be able to serve in that role again.

An emergency telephone conference is requested for a hearing on this matter.

DATED this 1st day of December, 2006

LING, ROBINSON & WALKER

By: 

Michael P. Tribe
Attorneys for Claimant/Objectors

CERTIFICATE OF SERVICE

I certify that on December 1, 2006, I served the original and copies of this *Motion Requesting Continuance* fax, postage prepaid, to the following:

1. Original faxed to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Facsimile: (208) 736-2121

2. Copies faxed to:

Director of IDWR
P. O. Box 83720
Boise, Idaho 83720-0098

Facsimile: (208) 287-6700

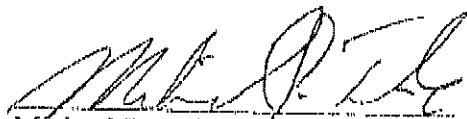
David J. Barber
David L. Stanish
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Facsimile: (208) 334-2690

3. Copies mailed to:

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Boise, Idaho 83720-0098

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724


Michael P. Tribe

BRENT T. ROBINSON
JASON D. WALKERKELLY ARTHUR ANTHON
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FAX 436 6804FACSIMILE COVER SHEETTO: JDW/ CandiceFAX NO. (208) 287-6700FROM: Roger D. Ling Brent T. Robinson ✓ Mike Tribe
..... Jason D. Walker Kelly Arthur AnthonDATE: TIME: RE: NOTES: Att. Candice McHughPLEASE DELIVER PROMPTLY

- | | |
|--|--|
| ☐ Original will follow | ☐ For your approval/signature |
| ☐ By U.S. mail | ☐ For your information |
| ☐ By overnight mail | ☐ For filing with the Court |
| ☐ By hand delivery | ☐ Please call upon receipt |
| ☒ Original will not follow | ☐ For your review |
| ☐ Immediate attention required | ☐ Pursuant to your request |

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