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Attorneys for Plaintiff Idaho Power Company

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

In Re SRBA	)	
	)	
Case No. 39576	)	Consolidated Subcase: 92-23
_____	)	
IDAHO POWER COMPANY,	)	MOTION FOR CONTINUANCE OF
	)	STAY PENDING FILING OF
Plaintiff,	)	RESPONSES TO OBJECTIONS IN
	)	BASIN 2 and REQUEST FOR
v.	)	EXPEDITED HEARING
	)	
STATE OF IDAHO; C.L. "BUTCH" OTTER,	)	
Governor of the State of Idaho; LAWRENCE G.	)	Date: December 18, 2007
WASDEN, Attorney General of the State of	)	Time: 3:00 p.m.
Idaho; IDAHO DEPARTMENT OF WATER	)	Hon. John M. Melanson
RESOURCES; and DAVID TUTHILL, Director,	)	
Idaho Department of Water Resources	)	
	)	
Defendants.	)	
_____	)	

The Idaho Power Company ("Idaho Power") respectfully moves the Court to enter an order continuing the stay in Consolidated Subcase 92-23 until the close of the response period in SRBA Basin 2, which is February 5, 2008. The grounds for this motion are set forth below:

1. On July 24, 2007, the SRBA Court entered its Order Granting in Part, Denying in Part Motion to Dismiss; Consolidating Common Issues into Consolidated Subcase; and Permitting Discovery Pending Objection Period in Basin 02 ("Consolidation and Stay Order"). Pursuant to the Order, the Court determined that it would stay the proceedings, except discovery, until the close of the objection period in Basin 2 on December 5, 2007. The court determined this to be a more practical approach than moving up the objection period for the Idaho Power claims in Basin 2, given the possibility that additional parties could seek to enter the consolidated subcase. See Consolidation and Stay Order at 16-17.

2. Objections to the Idaho Power water rights in Basin 2 were filed by Idaho Power and by the State on or before December 5, 2007. It is possible that others may file timely objections as well on December 5, 2007, the date of the instant motion.

3. Following the filing of objections, responses to objections in Basin 2 are due on February 5, 2008. It is possible that additional parties may seek to participate, and that additional issues may be raised, in Consolidated Subcase 92-23 through the filing of responses to objections filed in Basin 2 on or before February 5, 2008. Continuing the stay currently in place until responses are filed in Basin 2 is therefore a practical approach serving judicial economy.

4. Both Idaho Power and the State have used the current stay period to engage in written discovery. Idaho Power anticipates that discovery will continue should the Court keep its stay in place for an additional two months until February 5, 2008.

5. Counsel for Idaho Power conferred with counsel for the State in conjunction with this motion, and the State has indicated that it intends to oppose the motion. Idaho Power notes

that the State became a party to subcases 37-20709, 37-20710, 37-2128, 37-2471 and 37-2472 -- all of which are part of Consolidated Subcase 92-23 -- only at the stage of filing of responses to objections to both the original Director's Report and the Amended Director's Report, and before the Court and parties proceeded to address the merits of the issues. If the State were to oppose Idaho Power's instant motion to continue the stay until responses are filed in Basin 2 subcases, and were to proceed expeditiously on the merits of issues raised to date before responses are filed, the State's position would essentially deny others the opportunity to similarly become involved in the subcases at the response stage before the parties proceed to address the merits.

CONCLUSION

Accordingly, Idaho Power respectfully requests that the Court continue its stay of proceedings, except for discovery, in Consolidated Subcase 92-23, until responses to objections are due in Basin 2 on February 5, 2008. Idaho Power requests that this motion be heard on an expedited basis in conjunction with the December 18, 2007 scheduling conference in this matter.

Dated this 7th day of December, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December 2007, a true and correct copy of the foregoing **Motion For Continuance of Stay Pending Filing of Responses to Objections in Basin 2 and Request for Expedited Hearing** was filed with the SRBA via facsimile and served by the methods indicated below, and addressed to each of the following:

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