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Carl J. Withroe, ISB No. 7051
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RECEIVED
MAY 30 2008
DEPARTMENT OF
WATER RESOURCES

Attorneys for Marion and Judy Groothuis

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

In re SRBA	)	Subcases 63-32403 & 63-32412
	)	
	)	MOTION TO CONTINUE INITIAL
Case No. 39576	)	HEARING
_____	)	

Marion D. and Judy L. Groothuis hereby move this Court to continue the Initial Hearing set in this matter, currently scheduled for June 5, 2008 at 1:15 p.m. in Nampa, Idaho.

The Groothuises are the persons in whose name water right numbers 63-32403 and 63-32412 are on file with the Department of Water Resources. No objection other than the objection filed by the Groothuises was filed on these rights. The water rights which are the subject of the above-identified subcases are currently the subject of a pending water rights transfer application. (*See* Affidavit of Carl J. Withroe at p. 1, para. 3, filed contemporaneously herewith.)¹ The water rights transfer application was submitted to the Department of Water Resources on November 9, 2007 and is currently being processed. (*See id.* at p. 2 and para. 4.) The Department is as of the date of this filing unable to provide an estimate of the approximate time needed to complete the application. (*See id.* at p. 2, para. 4.) The outcome of said water rights transfer application will affect the Groothuises' position in the adjudication with respect to

¹ The attachments (consisting of 11 pages) are not included.

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right numbers 63-32403 and 63-32412. (*See id.* at p. 2, para. 5.) Therefore, a hearing at this time is premature and unnecessary. The Groothuises therefore request that the initial hearing on these water rights be continued until the transfer application process has concluded.

A proposed order granting the continuance as requested is submitted to the Court with this Motion.

* * *

Dated this 29th day of May, 2008.

MOORE SMITH BUXTON & TURCKE, CHTD.

A handwritten signature in cursive script, appearing to read "Carl J. Withroe", written over a horizontal line.

Bruce M. Smith
Carl J. Withroe
Attorneys for Marion D. and Judy L. Groothuis

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 29th day of May, 2008, I caused to be served the original and a true and correct copy of the foregoing Motion to Continue Initial Hearing by the method indicated below, and addressed to the following:

1. Original via Federal Express Overnight Delivery to:

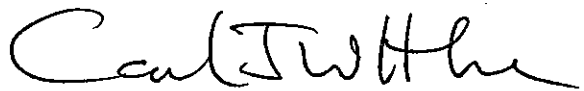
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303

2. Copies via U.S. Mail to:

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Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449



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In re SRBA	)	Subcases 63-32403 & 63-32412
	)	
	)	ORDER TO CONTINUE INITIAL
Case No. 39576	)	HEARING
_____	)	

THIS MATTER having come before the court pursuant to the Motion of Marion D. and
Judy L. Groothuis and good cause appearing therefor,

IT IS HEREBY ORDERED, That the Initial Hearing set in this matter, currently
scheduled for June 5, 2008, is continued until the transfer application process has concluded.

* * *

Dated this _____ day of _____, 2008.

JUDGE

COPY

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