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DEPARTMENT OF
WATER RESOURCES

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Attorney for Claimants

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	)	Subcases: 75-10603 & 75-14531
	)	
	)	
Case 39576	)	
	)	MOTION FOR CONTINUANCE OF
	)	DEADLINE TO FILE A
	)	MEMORANDUM IN SUPPORT OF
	)	CLAIMANT'S MOTION TO ALTER OR
_____	)	AMEND

The Claimants, Stuart L. Felton and the Ann M. Heltsley Living Trust, by and through their attorney of record, Jerry R. Rigby, of Rigby, Andrus & Rigby, Chtd., hereby move the Court for a continuance of Claimants' deadline to file a memorandum in support of their motion to Alter or Amend the Special Masters Report, dated July 9, 2010 in the above captioned matter. Claimants respectfully request said deadline to be extended to November 15, 2010.

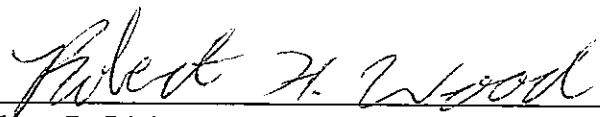
Claimants filed their Motion to Alter or Amend on the 19th day of August, 2010 without an accompanying memorandum in support thereof. Claimants are required to seek said continuance in order to provide Claimant's the necessary time to obtain a copy of the Court's transcript of the proceedings in this case and in order to then incorporate said evidence into their

memorandum in support of their Motion.

Claimants respectfully submit that granting this motion in no way injures or jeopardizes the rights of any party to this action as the reversal sought by Claimants is only to the point of diversion of Claimants water rights which will not impact the present physical diversion of any water rights and no other party claims any water rights within the ditch and from below the spring from which Claimants make these claims.

Finally, Claimants request that the hearing recently set by the Court to hear Claimant's Motion to Alter or Amend on September 16th, 2010 be vacated until November 29th, 2010, or at such time as Claimants have filed their Memorandum in Support of their Motion to Alter or Amend and the other parties are given a reasonable time in which to respond.

Dated this 24th day of August, 2010.

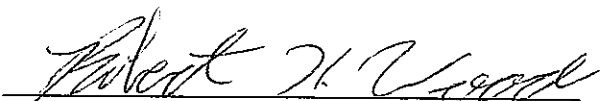

for Jerry R. Rigby

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the persons named below, at the addresses set out below their name, either by mail, hand delivery or by telecopying to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to them; or by facsimile transmission.

DATED this 24th day of August, 2010.

RIGBY ANDRUS & RIGBY, Chartered


for Jerry R. Rigby

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