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DEPARTMENT OF
WATER RESOURCES

Patrick Murphy
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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

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Sub-cases: 75-10603 & 75-14531

)

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Case 39576

)

)

**OBJECTION TO THE MOTION
FOR A CONTINUANCE OF THE
DEADLINE TO FILE A
MEMORANDUM IN SUPPORT OF
OBJECTOR'S MOTION TO ALTER
OR AMEND THE SPECIAL
MASTER'S RECOMMENDATION**

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The Claimant, Patrick Murphy, objects to the motion for a continuance of the deadline to file a memorandum in support of the motion to alter or amend the Court's decision on the above case filed by the attorney for the Felton's/ Heltsley, Jerry R. Rigby, for the following reasons.

The Objector's, Felton's/ Heltsley and their counsel were given notice of the Court's decision on July 9th and were notified that they have until August 28th to submit a motion to alter or amend the Special Master's report, thereby giving them more than adequate time, 50 days, to prepare a reason for their motion. Additionally, counsel for Felton/ Heltsley stated in his motion dated August 17th that he would have a memorandum supporting the motion filed on or before August 28th, thus indicating that he already had his reasons for the motion available. Currently the Felton's/ Heltsley counsel are requesting an additional 79 days, until November 15th, this would be in addition to the 50 days already provided by the court, to provide a memorandum to alter or amend the Special Master's report. I feel this is excessive and

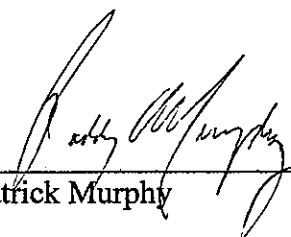
unreasonable, and can only assume that the Felton's/ Heltsley counsel have no legitimate reason to alter or amend the Special Master's report, and certainly no reasonable or extraneous circumstances to warrant such a lengthy extension.

Counsel for the Felton's/ Heltsley, stated in his request for a continuance that the Objector's need the necessary time to obtain transcripts of the proceedings in this case. The Counsel for the Felton's/ Heltsley had more than adequate time to obtain and review the case transcripts or would not have been reasonably able to submit their lengthy Findings of Fact and Conclusions of Law without review of the court proceedings.

Finally, in his request for a continuance, Counsel states that there is no damage to any party if the motion is granted giving him until November 15th to prepare his memorandum, and November 29th to request a hearing. While it is true that there is no injury to the Felton's/Heltsley this is not a legitimate reason for such an extension. The Murphy's and Hull's have been cooperative and reasonable throughout the adjudication court, and have waited patiently for three years, even waiting for Mrs. Heltsley to file a late water claim without objection. Furthermore, the Felton's/Heltsley, as stated, are not injured and continue to divert their water as they always have without a lockable, controllable headgate, measuring device, or a Special Use Permit/Easement from the Forest Service, which is contrary to their testimony in court on February 26th, 2010. The injury to the Murphy's and Hull's is that the Objector's request to alter or amend the Special Master's Report would result in an illegal transfer of a point of diversion and a new right of way for a ditch that never existed.

In conclusion, the Court has granted more than adequate time and notice to the Felton's/ Heltsley and their counsel in order for them to incorporate any evidence into their memorandum for a Motion to Alter or Amend the Court's decision.

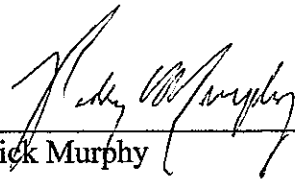
Dated this 30th day of August, 2010


Patrick Murphy

CERTIFICATE OF SERVICE BY MAIL, DELIVERY
OR FACSIMILE TRANSMISSION

I hereby certify that 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, by mail a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

Dated this 30th day of August, 2010.



Patrick Murphy

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