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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	)	Subcase No. 36-04075
	)	
Case No. 39576	)	CITY OF RUPERT'S MOTION TO EXTEND
	)	TIME TO FILE STANDARD FORM 5
	)	

DESCRIPTIVE SUMMARY

This is the City of Rupert's request that the deadline to file Standard Form 5 for Water Right 36-04075 be extended to November 15, 1995 to accommodate the City's work with the Idaho Department of Water Resources to prepare new and amended filings to accurately reflect all water rights for the City's culinary and irrigation systems.

MOTION TO EXTEND TIME TO FILE STANDARD FORM 5

The City of Rupert requested and was granted an extension to September 8, 1995 to file Standard Form 5 for water right 36-04075 because the City was investigating evidence to support an earlier priority date and anticipated the need to file a late objection. The Idaho Department of Water Resources (IDWR) was a party to the subcase and did not object to the extension.

The City now requests an additional extension because the investigation resulted in information which will require the City, with the concurrence of IDWR and the SRBA court, to

file both amended claims and new claims, affecting its entire municipal water system. Water right 36-04075 is one of the five water rights from the Basin 36 report which are associated with the City of Rupert's culinary and irrigation systems. Water rights 36-04075 and 36-07863 are associated with the City's irrigation system. Water rights 36-07862, 36-07656, and 36-07115 are associated with the City's culinary system. Although the City of Rupert has been in existence and supplying water to its citizens since 1906, the earliest priority date presently recommended for the City's culinary system is 1962.

The accompanying affidavit of Josephine P. Beeman chronicles the good faith efforts of the City during 1995 to locate and evaluate historical data to support earlier priority dates for its municipal system.

As a result of the City's investigation by independent engineering and legal counsel, the City anticipates filing one amended claim (36-07115) and three late claims (to replace 36-07862) to accurately describe priority dates for the City's culinary system. The City also anticipates filing two or possibly three late claims (to replace 36-04075) to describe actual priority dates for the City's irrigation system. The City is working with IDWR, and as IDWR reviews the historical data on the City wells, the nature and content of the SRBA filings described above may change.

Subcase 36-04075 is an appropriate forum for motions related to an amended claim, late claims, or late objection arising from the 36 wells associated with water right 36-04075. However, motions to file late objections, amendments, or late claims affecting the City's four other water rights -- 36-07863, 36-07862, 36-07656, and 36-07115 -- would have to be filed with and granted by Judge Hurlbutt in case No. 39576 before they could become subcases.

The City expects to file all motions by the November 15 deadline, with accompanying engineering affidavits.

The need for an extension has been discussed with legal counsel for IDWR, who concurs that under the circumstances, an extension is necessary and appropriate.

DATED this 8th day of September, 1995.

DILLION, BOSCH, DAW & BOCK
CHARTERED

By: Josephine P. Beeman
JOSEPHINE P. BEEMAN

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 1995, I caused a true and correct copy of the foregoing CITY OF RUPERT'S MOTION TO EXTEND TIME TO FILE STANDARD FORM 5 (Subcase No. 35-04075) to be mailed, with sufficient first-class postage, to each of the persons named below.

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