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APR 07 1995

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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
Case No. 39576

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Subcase No.: 36-04075

STIPULATED MOTION TO EXTEND
DATE TO FILE STANDARD FORM 5
FOR WATER RIGHT 36-04075

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 September 8, 1995, to accommodate the City of Rupert's investigation of the actual priority date of water right 36-04075.

MOTION TO EXTEND TIME TO FILE STANDARD FORM 5

Pursuant to Special Master Terrence A. Dolan's Order of March 7, 1995, the United States was dismissed as a party to this subcase and the objection filed by the United States was dismissed with prejudice. The remaining parties to this subcase were ordered to submit a Standard Form 5, Proposed Elements for Water Right, no later than April 7, 1995. The remaining parties are the City of Rupert, the City of Pocatello, and the Idaho Department of Water Resources ("IDWR"). The City of Rupert filed SRBA Claim 36-04075 and IDWR and the City of Pocatello both filed responses to the United States' objection. The City of Pocatello has withdrawn as a party to the subcase based on the dismissal of the United States' objections.

For reasons unrelated to the United States' objections, the City of Rupert requests an extension of time to file Standard Form 5 for Water Right 36-04075. The City of Rupert is in the process of examining historic records relating to the priority date of Water Right 36-04075, an issue unrelated to the objection filed by the United States in this subcase. Before receiving the March 7, 1995 Order, the City of Rupert had informed IDWR that it might need to file a late objection to Water Right 36-04075, based on evidence which the City is currently investigating to support an earlier priority date for water right 36-04075. For this reason, the City of Rupert asks this court for an order to extend the date to file a Standard Form 5 for 36-04075 until September 8, 1995, to accommodate the time frames which may accompany the docket sheet procedure for a motion to file late objection.

The Idaho Department of Water Resources does not object to this motion.