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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	)	
	)	
	)	MOTION TO CONTINUE
Case No. 39576	)	SETTLEMENT CONFERENCE
	)	
	)	SUBCASE NO. 34-07075
	)	

COMES NOW Sunset trust Organization, by and through its attorney of record, Margaret King of Simms & Stein, P.A., and hereby respectfully requests this court to continue the settlement conference currently scheduled for 1:30 p.m. on April, 6, 1995, in Arco, Idaho. In support of this motion the following facts are alleged:

1. The objections to subcase no. 34-07075 go to the general provision portion of the recommendation.
2. There are 50+ objections in Basin 34 solely on general provisions.
3. It is improbable that the general provision issue will be solved in this one subcase. My client, Sunset Trust, is not in the position to solve the issue of general provisions, which is the gravamen of the objection.
5. Additionally, this water right is related to and should be

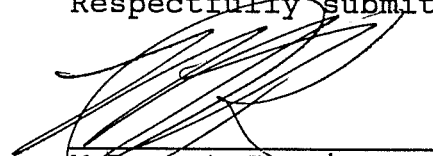
heard with the water rights in Subcase Nos. 34-00796, 34-02277, 34-10484, and 34-02491E.

6. Subcase Nos. 34-00796, 34-02277, 34-10484, and 34-02491E involve the unconstitutional "presumption statute" and are currently stayed by the court.
7. Under these facts, it would not be helpful or economical to proceed with a subcase where the issues will not be able to be resolved, even with all of the participating parties' best efforts.
9. Mr. William R. Hollifield, counsel for the Big Lost River Water Users Association, concurs in this motion.
10. Ms. Susan Hamlin represented that the IDWR does not object to this motion.

WHEREFORE, the claimant, Sunset Trust, hereby moves the court to continue the settlement conference for case no. 34-07075 until the stay is lifted on the 42-1416 and 42-1416A claims and or the issue of the general provisions is bifurcated from all of the subcases and consolidated for one hearing, so they may all be taken up at once.

DATED this 15th day of March, 1995.

Respectfully submitted,



Margaret J. King
SIMMS & STEIN, P.A.

CERTIFICATE OF MAILING

MARGARET J. KING hereby certifies that on the 15th day of March, 1995, she served a true and correct copy of the foregoing document on the following persons by depositing true and correct copies thereof in the United States Mail, first class postage prepaid, addressed as follows:

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