

Movant: State of Idaho

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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. 36-00099
	)	
Case No. 39576	)	MOTION TO CONTINUE CONSIDERATION OF MOTION
	)	TO FILE LATE RESPONSE SCHEDULED TO BE HEARD
_____	)	BEFORE A SPECIAL MASTER NOVEMBER 29, 1995

DESCRIPTIVE SUMMARY

*This document is a Motion To Continue Consideration of Motion To File Late Response
Scheduled To Be Heard Before A Special Master November 29, 1995.*

**MOTION TO CONTINUE CONSIDERATION OF MOTION TO FILE LATE RESPONSE
SCHEDULED TO BE HEARD BEFORE A SPECIAL MASTER NOVEMBER 29, 1995**

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COMES NOW, the State of Idaho and moves that consideration of the *State of Idaho's Motion To File Late Response* in above entitled subcase be continued for 90 days to allow the Director of Idaho Department of Water Resources to file an amended Director's Report for test basin 36 addressing the General Provisions. Bob Porter, by and through his attorney, Patrick Brown, has no objection to continuing consideration of this motion. In support of this stipulation, Cheri C. Jacobus states the following:

1. Patrick Brown, attorney for Bob Porter and Brent King at Idaho Department of Water Resources were contacted regarding this motion and they have agreed to the continuing consideration of the *State of Idaho's Motion To File Late Response* in above entitled subcase for 90 days to allow the Director of Idaho Department of Water Resources to file an amended Director's Report for test basin 36 addressing the General Provisions.

2. On November 26, 1995, the Director filed an amended Director's Report for test basin 57, substantially changing the General Provisions applicable to claims filed within that test basin. Now there are only 3 general provisions being recommend. Claimants to water rights in that test basin who previously objected to general provisions may change their position with respect to those newly recommended provisions. At the monthly status conference held November 21, 1995, the Honorable Judge Daniel C. Hurlbutt stated that the Director would be filing amended reports in all test basins, including administrative basin 36. Therefore, the most logical thing to do is to continue consideration of any motion to file late response in the above entitled subcase for 90 days to determine whether the need to file late response is still necessary.

WHEREFORE, the above parties respectfully request that the hearing for subcase no. 36-00099 presently scheduled for November 29, 1995, at 11:30 a.m., at the SRBA District Court in Twin Falls, Idaho, be continued for 90 days.

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Dated this 28th day of November, 1995.

ALAN G. LANCE
Attorney General

Cheri C. Jacobus

CHERI C. JACOBUS
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on this 28th day of November, 1995, I served true and correct copies of the MOTION TO CONTINUE CONSIDERATION OF MOTION TO FILE LATE RESPONSE SCHEDULED TO BE HEARD BEFORE A SPECIAL MASTER NOVEMBER 29, 1995 by facsimile as follows:

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