

Movant: State of Idaho

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

CHERI C. JACOBUS
Deputy Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 334-2400
FAX: (208) 334-2690

RECEIVED

FEB 13 1996

Department of Water Resources
Adjudication Bureau

2-12

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 FEBRUARY 13, 1996

DESCRIPTIVE SUMMARY

This document is a *Motion To Continue Consideration of Motion To File Late Response Scheduled To Be Heard Before A Special Master February 13, 1996.*

MOTION

The State of Idaho moves that consideration of the *State of Idaho's Motion To File Late Response* in the above entitled subcase be continued for 90 days to allow the SRBA District Court to rule on Basin-Wide Issue No. 5. 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:

**MOTION TO CONTINUE CONSIDERATION OF MOTION TO FILE LATE
RESPONSE SCHEDULED TO BE HEARD BEFORE A SPECIAL MASTER
FEBRUARY 13, 1996**

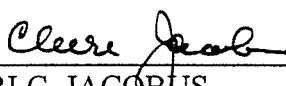
1. Patrick Brown, attorney for Bob Porter was contacted regarding this motion and he agreed to the continuing consideration of the *State of Idaho's Motion To File Late Response* in above entitled subcase for 90 days to allow SRBA District Court to rule on Basin-Wide Issue No. 5.

2. On December 14, 1995, the Director filed an amended Director's Report for Reporting Area 3 (Basin 36), substantially changing the General Provisions applicable to claims filed within this Reporting Area. The SRBA District Court has consolidated consideration of the necessity and appropriateness of these newly recommended general provision into Basin-Wide Issue No. 5. Consideration of that issue is on an expedited schedule and the court's ruling may moot this motion to file late response. Therefore, the most logical thing to do is to continue consideration of any motion to file late response in the above entitled subcase for another 90 days to determine whether the need to file late response is still necessary.

Therefore, the above parties respectfully request that the hearing for subcase no. 36-00099 presently scheduled for February 13, 1996, at 1:30 p.m., at the SRBA District Court in Twin Falls, Idaho, be continued for 90 days.

Dated this 12th day of February, 1996.

ALAN G. LANCE
Attorney General



CHERI C. JACOBUS
Deputy Attorney General
Natural Resources Division

**MOTION TO CONTINUE CONSIDERATION OF MOTION TO FILE LATE
RESPONSE SCHEDULED TO BE HEARD BEFORE A SPECIAL MASTER
FEBRUARY 13, 1996**

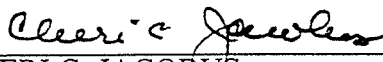
CERTIFICATE OF SERVICE

I certify that on this 12th day of February, 1996, 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 FEBRUARY 13, 1996 by facsimile as follows:

PATRICK D. BROWN
PO BOX 389
TWIN FALLS, ID. 83303
PHONE: 208-734-7510
REP: BOB PORTER
FAX: (208) 734-4115

DIRECTOR OF IDWR
STATEHOUSE MAIL
FAX: (208) 327-5400

ALAN G. LANCE
Attorney General



CHERI C. JACOBUS
Deputy Attorney General
Natural Resources Division

P6043NJA

**MOTION TO CONTINUE CONSIDERATION OF MOTION TO FILE LATE
RESPONSE SCHEDULED TO BE HEARD BEFORE A SPECIAL MASTER
FEBRUARY 13, 1996**