

Shelley M. Davis, ISB #6788
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

RECEIVED
DEC 19 2016
WATER RESOURCES
WESTERN REGION

Attorneys for Boise Project Board of Control

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMITS TO	)	
APPROPRIATE WATER NOS. 63-	)	
34079 & 63-34080, IN THE NAME OF	)	BOISE PROJECT BOARD OF
CHRIS EMMERT	)	CONTROL'S MOTION FOR
	)	CONTINUANCE OF HEARING
	)	
	)	

COMES NOW, the Protestant, Boise Project Board of Control, by and through its attorneys of record, Barker Rosholt & Simpson LLP, and hereby moves the Idaho Department of Water Resources ("IDWR") for an order vacating the hearing currently scheduled for February 15, 2017 and further moves the Department for an order that the hearing be re-set for a time approximately six to eight weeks later. This Motion is brought pursuant to IDAPA 37.01.01.260, and I.R.C.P. 7(b)(1). No hearing on this Motion is requested, unless requested by the hearing officer.

I. PROCEDURAL HISTORY

Applicant filed application nos. 63-34079 and 63-34080 on May 8, 2015. Application no. 63-34080 was subsequently amended on September 25, 2015. The Boise Project Board of Control filed separate protests to both applications on October 22, 2015. Applicant contacted the Boise Project Board of Control in late fall 2015, and counsel, Tim Page, and Bob Carter met with the Applicant to discuss the basis of the protests.

The Applicant hired counsel sometime after the meeting between the Applicant and protestant, and additional discussions were had between the parties concerning the basis for the protests and whether any resolution could be reached. On September 29, 2016, IDWR held the first pre-hearing conference with the parties. At that conference it was determined that the matter would proceed to hearing before an Idaho Department of Water Resources hearing officer. The Boise Project Board of Control received the *Order Consolidating Contested Cases, Authorizing Discovery, and Setting Disclosure Deadlines* on October 6, 2016.

Applicant served its First Requests for Discover on October 17, 2016. On October 20, 2016, IDWR served the Notice of Hearing setting this matter for hearing on February 15, 2017, to be heard by Hearing Officer Shelley Keen. The Boise Project Board of Control answered the Applicant's discovery on November 11, 2016, and served its first discovery requests on Applicant on November 15, 2016. Applicant answered those requests on December 9, 2016. On December 12, 2016, the Boise Project Board of Control served supplemental discovery responses on the Applicant.

Between the first part of November, 2016 and the present, the Boise Project Board of Control has been actively attempting to retain the services of a qualified hydrologist with experience to conduct groundwater modeling in the vicinity of Lake Lowell, but has been unable to retain those services to date. The Boise Project Board of Control believes that such services will be retained on or before December 23, 2016. However, the deadline to disclose expert witnesses and materials falls in the first week of January, 2017, and this will not provide sufficient time to undertake the necessary work.

On December 14, 2016, counsel for the Boise Project Board of Control conferred with Applicant's counsel requesting a stipulation to extend the hearing date. After conferring with

Applicant, counsel for the Applicant, on the evening of December 15, 2016, notified counsel for the Boise Project Board of Control that he Applicant would not stipulate to such a request. This Motion follows.

II. STANDARD OF REVIEW

The determination of whether to grant a Motion for Continuance lies in the sound discretion of the hearing officer. *Gunter v. Murphy's Lounge, LLC*, 141 Idaho 16, 24, 105 P.3d 676, 684 (2005), citing *State v. Ward*, 98 Idaho 572, 574, 569 P.2d 916, 919 (1977). If the hearing officer makes his determination within the outer bounds of his discretion, and recognizes the determination as one within his discretion to be exercised with reason, then that determination will be sustained. *Id.*

III. ARGUMENT

The records of these consolidated sub-cases demonstrate that the parties have been diligently pursuing this action. The parties have, and will continue to participate in discovery. There is no improper motive by the Boise Project Board of Control in request this continuance. Further, the Boise Project Board of Control has not previously requested a continuance in this hearing. At the outset, both parties knew the hearing schedule to be aggressive. Counsel for the Boise Project Board of Control did not at the time it agreed to the aggressive schedule know that it would be difficult to retain the services of a qualified hydrologist with groundwater modeling expertise in the Boise valley. However, that has turned out to be the case.

Records of the Boise Project Board of Control, produced to the Applicant, demonstrate that the Applicant has had an abundant supply of water to serve his lands. Records from 2010 through 2016, indicate that Applicant's surface water supplies have provided between 2.59 and 4.00 afa of water to his lands. See Exhibit 1, attached hereto. Therefore, a six to eight week delay

of the hearing will not injure or prejudice the Applicant in his ability to properly farm his property in 2017. The Idaho Supreme Court has held:

A 'determination' of an action within the meaning of [I.R.C.P.] Rule 1 is meant to be a *determination* of the controversy on the merits – not a termination on a procedural technicality which serves the litigants not at all. A determination entails a finding of the facts and an application of the law in order to resolve the legal rights of the litigants who hope to resolve their differences in the courts...This will be especially so where no prejudice is shown by any delay which may have been occasioned.

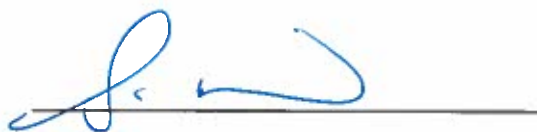
Gerstner v. Wash. Water Power Co., 122 Idaho 673, 676, 837 P.2d 799, 802 (1992), quoting *Bunn v. Bunn*, 99 Idaho 710, 712, 587 P.2d 1245, 1247 (1978). (*Emphasis in original.*) Under the facts of this action, where the Boise Project Board of Control has not previously sought any continuance of the hearing and has been actively pursuing a resolution, it is appropriate for the Hearing Officer to use his discretion to grant the requested continuance.

IV. CONCLUSION

Therefore, for the foregoing reasons, the Boise Project Board of Control hereby requests that this Hearing Officer, through an exercise of discretion, hereby GRANT this Motion for Continuance of the contested case hearing currently set for February 15, 2017.

DATED this 16th day of December, 2016.

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Attorneys for Boise Project Board of Control

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 2016, I caused to be served a true and correct copy of the foregoing **BOISE PROJECT BOARD OF CONTROL'S MOTION FOR CONTINUANCE OF HEARING** by the method indicated below, and addressed to each of the following:

Original to:

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
Fax No. (208) 334-2348

☐ Hand Delivery
☒ U.S. Mail, postage prepaid
☒ Facsimile
☐ Overnight Mail
☐ Email

Copy to:

John Marshall
JOHN MARSHALL LAW, PLLC
575 W. Bannock St., Ste. B
Boise, ID 83702

☐ Hand Delivery
☒ U.S. Mail, postage prepaid
☐ Facsimile
☐ Overnight Mail
☒ Email

BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Attorneys for Boise Project Board of Control

EXHIBIT 1

WaterPac 2016

Boise Project Board of Control

Home Statistics Administration Reports Feedback
Accounts Rotations Combinations Laterals/Taps
Rides

Account

ID 23119

Serial # BK-634 A Owner

EMMERT, CHRIS A

Edit Delete Print Find Another

Account Summary Allowance Allotment Trans
Anderson Polygons History Combos Excess Carryover Orders

Combination ID 88 Submitter EMMERT, CHRIS

Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
BK-634 A	EMMERT, CHRIS A	✓	✓	75.00	72.42	2.58
BK-636	EMMERT, CHRIS A	✓	✓	289.54	374.90	-85.36
BK-639	EMMERT, CHRIS A	✓	✓	273.90	358.43	-84.53
BK-657	EMMERT, CHRIS	✓	✓	363.11	308.44	54.67
BK-705 A	EMMERT, CHRIS A	✓	✓	75.11	68.43	6.68
BK-707	EMMERT, CHRIS	✓	✓	266.93	368.95	-102.02
BK-729	PYWELL, MARLEN E	✓		593.85	473.89	119.96
Acres						
Total				1937.44	2025.46	-88.02

Top of Page Home

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

$$\text{Total Usage } 2025.46 \div \text{Total Acres} = 3.92 \text{ acre ft per acre}$$

WaterPac 2015

Boise Project Board of Control

[Home](#) [Statistics](#) [Administration](#) [Reports](#) [Feedback](#)

[Accounts](#)
[Rides](#)

[Rotations](#)

[Combinations](#)

[Laterals/Taps](#)

Account

ID 23119

Serial # BK-634 A

Owner

EMMERT, CHRIS A

[Edit](#) [Delete](#) [Print](#) [Find Another](#)

[Account](#) [Summary](#) [Allowance](#) [Allotment](#) [Trans](#)
[Anderson](#) [Polygons](#) [History](#) [Compos](#) [Excess](#) [Carryover](#) [Orders](#)

Combination ID 64

Submitter EMMERT, CHRIS

Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
20.06 BK-634 A	EMMERT, CHRIS A	✓		75.00	11.90	63.10
77.21 BK-636	EMMERT, CHRIS A	✓	✓	289.54	406.61	-117.07
73.04 BK-639	EMMERT, CHRIS A	✓		273.90	155.71	118.19
96.83 BK-657	EMMERT, CHRIS	✓		363.11	212.23	150.88
20.03 BK-705 A	EMMERT, CHRIS A	✓		75.11	26.78	48.33
71.18 BK-707	EMMERT, CHRIS	✓	✓	266.93	323.31	-56.38
358.29 acres						
	Total			1343.59	1136.54	207.05

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

Total Usage 1136.54 ÷ Total Acres = 3.17 ac ft per acre

WaterPac 2014

Boise Project Board of Control

Home Statistics Administration Reports Feedback
Accounts Rotations Combinations Laterals/Taps
Rides

Account

Serial # BK-634 A

Owner

ID 23119

EMMERT, CHRIS A

Edit

Delete

Print

Find Another

Account Anderson	Summary Polygons	Allowance History	Allotment Compos	Trans Excess	Carryover	Orders
---------------------	---------------------	----------------------	---------------------	-----------------	-----------	--------

Combination ID 101

Submitter EMMERT, CHRIS

	Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
20.00	BK-634 A	EMMERT, CHRIS A	✓	✓	75.00	86.09	-11.09
77.21	BK-636	EMMERT, CHRIS A	✓	✓	289.54	318.35	-28.81
1304	BK-639	EMMERT, CHRIS A	✓	✓	273.90	229.49	44.41
96.83	BK-657	EMMERT, CHRIS	✓	✓	363.11	271.72	91.39
20.03	BK-705 A	EMMERT, CHRIS A	✓	✓	75.11	20.83	54.28
71.18	BK-707	EMMERT, CHRIS	✓	✓	266.93	336.21	-69.28
358.29	9curs						
	Total				1343.59	1262.69	80.90

Top of Page

Home

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

Total Usage 1262.69 ÷ Total Acres = 3.52 acre ft. per acre

Total Acres
358.29

WaterPac 2013

Boise Project Board of Control

Home Statistics Administration Reports Feedback
Accounts Rotations Combinations Laterals/Taps
Rides

Account

Serial # BK-634 A

Owner

ID 23119

EMMERT, CHRIS A

Edit Delete Print Find Another

Account Summary Allowance Allotment Trans-
Anderson Polygons History Combos Excess Carryover Orders

Total Acres 20.00

Paid-up Acres 20.00

Pink Card Acres 0.00

Last Calculated 10/31/2013

Allowance

	Posted	Running	Actual
Allowance Granted	75.00		75.00
Water Deliveries	70.42	0.00	70.42
Allowance Adjustments	0.00		0.00
Allowance Remaining (Excess)	4.58	0.00	4.58

Allotment

Water Protecting Anderson	0.00	0.00	0.00
Anderson Remaining	0.00	0.00	0.00
Water Available	0.00	0.00	0.00

Carryover

Carryover from Last Season	2.30
Additional Anderson Pending Payment	0.00
Anderson Remaining, this Account	0.00
Anderson Remaining, Transferred to Other Accounts	0.00
Theoretical Carryover to Next Season	0.00
Actual Anderson Available Next Season (net of Loss Factor)	0.00

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

Total Usage 928.32 ÷ Total Acres = 2.59 acre ft Per Acre
Total Usage 928.32

WaterPac 2013

Boise Project Board of Control

[Home](#) [Statistics](#) [Administration](#) [Reports](#) [Feedback](#)

[Accounts](#)
[Rides](#)

[Rotations](#)

[Combinations](#)

[Laterals/Taps](#)

Account

ID 24275

Serial # BK-636

Owner

EMMERT, CHRIS A

[Edit](#)

[Delete](#)

[Print](#)

[Find Another](#)

Account	Summary	Allowance	Allotment	Trans
Anderson	Polygons	History	Combos	Excess
			Carryover	Orders

Total
Acres

77.21

Paid-up
Acres

77.21

Pink Card
Acres

0.00

Last
Calculated

10/31/2013

Allowance

	Posted	Running	Actual
Allowance Granted	289.54		289.54
Water Deliveries	237.03	0.00	237.03
Allowance Adjustments	0.00		0.00
Allowance Remaining (Excess)	52.51	0.00	52.51

Allotment

Water Protecting Anderson	0.00	0.00	0.00
Anderson Remaining	0.85	0.00	0.85
Water Available	0.85	0.00	0.85

Carryover

Carryover from Last Season	30.66
Additional Anderson Pending Payment	0.00
Anderson Remaining, this Account	0.85
Anderson Remaining, Transferred to Other Accounts	0.00
Theoretical Carryover to Next Season	0.85
Actual Anderson Available Next Season (net of Loss Factor)	0.68

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

WaterPac 2013

Boise Project Board of Control

[Home](#)
[Statistics](#)
[Administration](#)
[Reports](#)
[Feedback](#)
[Accounts](#)
[Rotations](#)
[Combinations](#)
[Laterals/Taps](#)
[Rides](#)

Account

ID 22581

Serial # BK-639

Owner

EMMERT, CHRIS A

Edit

Delete

Print

Find Another

Account	Summary	Allowance	Allotment	Trans
Anderson	Polygons	History	Combos	Excess
				Carryover
				Orders

Total
Acres

73.04

Paid-up
Acres

73.04

Pink Card
Acres

0.00

Last
Calculated

10/31/2013

Allowance

	Posted	Running	Actual
Allowance Granted	273.90		273.90
Water Deliveries	122.00	0.00	122.00
Allowance Adjustments	0.00		0.00
Allowance Remaining (Excess)	151.90	0.00	151.90

Allotment

Water Protecting Anderson	0.00	0.00	0.00
Anderson Remaining	0.60	0.00	0.60
Water Available	0.60	0.00	0.60

Carryover

Carryover from Last Season	61.41
Additional Anderson Pending Payment	0.00
Anderson Remaining, this Account	0.60
Anderson Remaining, Transferred to Other Accounts	0.00
Theoretical Carryover to Next Season	0.60
Actual Anderson Available Next Season (net of Loss Factor)	0.48

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

WaterPac 2013

[Home](#)
[Statistics](#)
[Administration](#)
[Reports](#)
[Feedback](#)
[Accounts](#)
[Rotations](#)
[Combinations](#)
[Laterals/Taps](#)
[Rides](#)

Boise Project Board of Control

Account

ID 26896

Serial # Owner

Account	Summary	Allowance	Allotment	Trans	Carryover	Orders
Anderson	Polygons	History	Combos	Excess		

Total Acres
 Paid-up Acres
 Pink Card Acres
 Last Calculated

	Posted	Running	Actual
Allowance			
Allowance Granted	363.11		363.11
Water Deliveries	177.53	0.00	177.53
Allowance Adjustments	3.97		3.97
Allowance Remaining (Excess)	189.55	0.00	189.55

Allotment			
Water Protecting Anderson	4.03	0.00	4.03
Anderson Remaining	1.77	0.00	1.77
Water Available	5.80	0.00	5.80

Carryover		
Carryover from Last Season	62.00	
Additional Anderson Pending Payment	0.00	
Anderson Remaining, this Account	1.77	
Anderson Remaining, Transferred to Other Accounts	0.00	
Theoretical Carryover to Next Season	1.77	
Actual Anderson Available Next Season (net of Loss Factor)	1.42	

[Top of Page](#)
[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

WaterPac 2013

Boise Project Board of Control

[Home](#) [Statistics](#) [Administration](#) [Reports](#) [Feedback](#)

[Accounts](#)
[Rides](#)

[Rotations](#)

[Combinations](#)

[Laterals/Taps](#)

Account

ID 32512

Serial # BK-705 A

Owner

EMMERT, CHRIS A

[Edit](#)

[Delete](#)

[Print](#)

[Find Another](#)

Account	Summary	Allowance	Allotment	Trans
Anderson	Polygons	History	Combos	Excess
			Carryover	Orders

Total
Acres

20.03

Paid-up
Acres

20.03

Pink Card
Acres

0.00

Last
Calculated

10/31/2013

Allowance

	Posted	Running	Actual
Allowance Granted	75.11		75.11
Water Deliveries	62.48	0.00	62.48
Allowance Adjustments	1.98		1.98
Allowance Remaining (Excess)	14.61	0.00	14.61

Allotment

Water Protecting Anderson	0.00	0.00	0.00
Anderson Remaining	0.67	0.00	0.67
Water Available	0.67	0.00	0.67

Carryover

Carryover from Last Season	5.33
Additional Anderson Pending Payment	0.00
Anderson Remaining, this Account	0.67
Anderson Remaining, Transferred to Other Accounts	0.00
Theoretical Carryover to Next Season	0.67
Actual Anderson Available Next Season (net of Loss Factor)	0.54

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

WaterPac 2013

Boise Project Board of Control

[Home](#)
[Statistics](#)
[Administration](#)
[Reports](#)
[Feedback](#)
[Accounts](#)
[Rotations](#)
[Combinations](#)
[Laterals/Taps](#)
[Rides](#)

Account

ID 23390

Serial # **BK-707** Owner

EMMERT, CHRIS

[Edit](#)
[Delete](#)
[Print](#)
[Find Another](#)

Account	Summary	Allowance	Allotment	Trans
Anderson	Polygons	History	Combos	Excess
				Carryover
				Orders

Total Acres **71.18**
 Paid-up Acres **71.18**
 Pink Card Acres **0.00**
 Last Calculated **10/31/2013**

	Posted	Running	Actual
Allowance			
Allowance Granted	266.93		266.93
Water Deliveries	258.86	0.00	258.86
Allowance Adjustments	2.98		2.98
Allowance Remaining (Excess)	11.05	0.00	11.05

Allotment			
Water Protecting Anderson	0.00	0.00	0.00
Anderson Remaining	1.94	0.00	1.94
Water Available	1.94	0.00	1.94

Carryover		
Carryover from Last Season	66.81	
Additional Anderson Pending Payment	0.00	
Anderson Remaining, this Account	1.94	
Anderson Remaining, Transferred to Other Accounts	0.00	
Theoretical Carryover to Next Season	1.94	
Actual Anderson Available Next Season (net of Loss Factor)	1.55	

[Top of Page](#)
[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

WaterPac 2012

Boise Project Board of Control

Home Statistics Administration Reports Feedback
Accounts Rotations Combinations Laterals/Taps
Rides

Account

ID 22581

Serial # BK-639 Owner
EMMERT, CHRIS A

Edit Delete Print Find Another

Account Summary Allowance Allotment Trans
Anderson Polygons History Combos Excess Carryover Orders

Combination ID 87 Submitter EMMERT, CHRIS

Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
20.00 BK-634 A	WATTS, OTHA	✓		75.00	57.12	17.88
77.21 BK-636	WATTS, OTHA	✓	✓	289.54	389.76	-100.22
73.04 BK-639	EMMERT, CHRIS A	✓	✓	273.90	280.70	-6.80
96.83 BK-657	EMMERT, CHRIS	✓	✓	363.11	365.95	-2.84
20.03 BK-705 A	EMMERT, CHRIS A	✓	✓	75.11	68.43	6.68
71.18 BK-707	EMMERT, CHRIS	✓	✓	266.93	274.72	-7.79
358.29 <i>acres</i>						
	Total			1343.59	1436.68	-93.09

Top of Page Home

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

Total Usage 1436.68 ÷ Total Acres = 4.00 acre ft per acre

WaterPac 2011

Boise Project Board of Control

[Home](#)
[Statistics](#)
[Administration](#)
[Reports](#)
[Feedback](#)

[Accounts](#)
[Rotations](#)
[Combinations](#)
[Laterals/Taps](#)

[Rides](#)

Account

Serial # BK-639

Owner

ID 22581

EMMERT, CHRIS A

[Edit](#)
[Delete](#)
[Print](#)
[Find Another](#)

[Account](#)
[Summary](#)
[Allowance](#)
[Allotment](#)
[Trans](#)

[Anderson](#)
[Polygons](#)
[History](#)
[Combs](#)
[Excess](#)
[Carryover](#)
[Orders](#)

Combination ID 51

Submitter EMMERT, CHRIS

	Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
26.00	BK-634 A	WATTS, OTHA	✓	✓	75.00	74.38	0.62
77.21	BK-636	WATTS, OTHA	✓	✓	289.54	294.56	-5.02
7304	BK-639	EMMERT, CHRIS A	✓	✓	273.90	326.32	-52.42
96.83	BK-657	EMMERT, J L	✓	✓	363.11	261.83	101.28
71.18	BK-707	EMMERT, J L	✓	✓	266.93	292.57	-25.64
358.29	<i>Acre</i>						
	Total				1268.48	1249.66	18.82

[Top of Page](#)

[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

Total Usage 1249.16 ÷ Total Acres = 3.69 acre ft per acre

WaterPac 2010

Boise Project Board of Control

[Home](#)
[Statistics](#)
[Administration](#)
[Reports](#)
[Feedback](#)
[Accounts](#)
[Rotations](#)
[Combinations](#)
[Laterals/Taps](#)
[Rides](#)

Account

ID 22581

Serial # BK-639 Owner EMMERT, CHRIS A

[Edit](#)
[Delete](#)
[Print](#)
[Find Another](#)

[Account](#)
[Summary](#)
[Allowance](#)
[Allotment](#)
[Trans](#)
[Anderson](#)
[Polygons](#)
[History](#)
[Combos](#)
[Excess](#)
[Carryover](#)
[Orders](#)

Combination ID 273 Submitter EMMERT, CHRIS

	Serial No	Owner	Paid-Up	Pink Card	Allowance	Usage	Balance
13.04	<u>BK-639</u>	EMMERT, CHRIS A	✓	✓	273.90	323.14	-49.24
33.05	<u>BK-645</u>	KAUFMAN, MICHAEL J	✓		123.94	0.00	123.94
96.83	<u>BK-657</u>	EMMERT, J L	✓	✓	363.11	308.45	54.66
71.18	<u>BK-707</u>	EMMERT, J L	✓	✓	266.93	228.13	38.80
274.10	<u>acres</u>						
		Total			1027.88	859.72	168.16

[Top of Page](#)
[Home](#)

Copyright © 2004-2005 Boise Project Board of Control. All rights reserved.

$$\text{Total Usage } 859.72 \div \text{Total Acres} = 3.13 \text{ acre ft per acre}$$

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

163 2nd Avenue West
Twin Falls, Idaho 83301-5672
(208) 733-0700 telephone
(208) 735-2444 facsimile

Shelley M. Davis
smd@idahowaters.com

December 16, 2016

RECEIVED

DEC 19 2016

WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Consolidated Application Nos. 63-34079 and 34080 in the name of Emmert

Dear Clerk:

Enclosed herewith, please find one original and one copy of *Boise Project Board of Control's Motion for Continuance of Hearing* that was fax filed on today's date. Please conform the copy and return to our office in the enclosed postage-prepaid self-addressed envelope.

Please contact me should you have any questions. Thank you for your assistance.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP


Jessica L. Witt, Assistant to
Shelley M. Davis

Enclosure