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DEPARTMENT OF
WATER RESOURCES

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Sandra Chess
1200 Lizaso Ave
Boise, ID 83709
(208) 863-8769
Protestant

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR) **MOTION TO CONTINUE**
TRANSFER NO. 78252 and APPLICATION)
FOR PERMIT 65-23493 IN THE NAME)
OF ALLEN RANCH LLP)

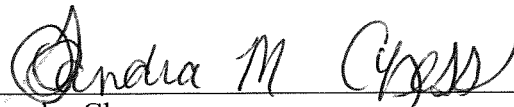
Protestant, Sandra Chess, submits this motion requesting that the scheduled hearing for the matters noted above, be continued and that authorization for discovery be extended to a date no earlier than 30 days after the applicant's Motion for Relief From Judgment¹ before the Fifth Judicial District Court (subcase 65-3111X) has been finalized.

The motion before the Fifth Judicial District Court filed on October 2, 2013, by Bruce Smith, on behalf of Allen Ranch LLC, is scheduled for hearing on January 21, 2014.

The Motion for Relief From Judgment seeks to amend the applicant's decreed water right 65-3111X, to include the additional point of diversion, which duplicates at least one protested element of the transfer application 78252 and application for permit 65-23493. Any decision by the Fifth Judicial District Court will impact the protests that I have filed with IDWR and would be considered by the Hearing Officer and/or Director of IDWR in deciding the above matters, therefore, the Court's decision on subcase 65-3111X must come first.

A continuance will attain relief from the wasteful and costly duplication of litigation for all parties, and makes economic sense not to use the resources of Idaho Department of Water Resources to litigate a matter that is pending before a District Court.

Respectfully submitted, this 8th day of October, 2013.



Sandra Chess

¹ Attached exhibit "A" Rule 60(b) MOTION FOR RELIEF FROM JUDGMENT/subcase 65-3111X

Certificate of Service

I HEREBY CERTIFY that on this 8th day of October, true and correct copies of the Motion to Continue and Exhibit A (Motion for Relief from Judgment 65-3111X), were sent via United States Postal Service, with the proper first class postage affixed, to the following:

Allen Ranch LLP
Attn: JR. Allen
2624 S Inglenook Place
Meridian, ID 83642

Idaho Department of Water Resources
Shelley Keen – Hearing Officer
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Bruce M Smith
Moore Smith Buxton & Turcke
950 W Bannock St Ste 520
Boise, ID 83702

Randy and Cris McClintick
P.O. Box 7
Orovada, NV 89425

Gary Henkel
9109 W Burnett Dr
Boise, ID 83709

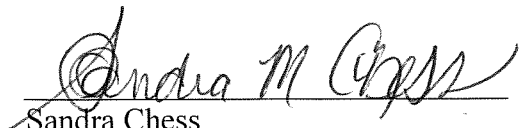
West Mountain Water Assoc., Inc
c/o Kris Cotter
P.O. Box 388
Cascade, ID 83611

Charles Honsinger
Honsinger Law PLLC
P.O. Box 517
Boise, ID 83701

West Mountain Properties, LLC
c/o Dwight Jividen
413 Carbarton Rd
Cascade, ID 83611

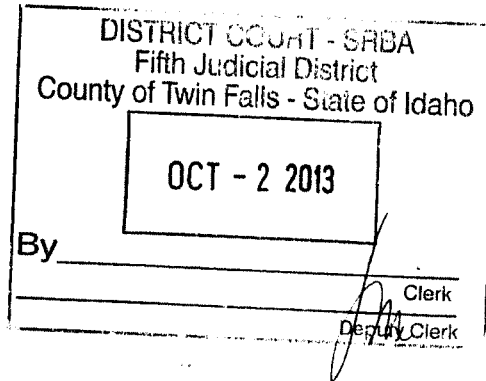
Joyce & Glenn Ford
569 Brenda Ln
Cascade, ID 83611

James T (Jim) Bunce
P.O. Box 890
Cascade, ID 83611


Sandra Chess

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHTD.
Attorneys at Law
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Attorney for Allen Ranch LLP



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

) SUBCASE NO. 65-3111X
)
) **RULE 60(b) MOTION FOR**
) **RELIEF FROM JUDGMENT**
)
)

COMES NOW, E.K. Allen Ranch LLP ("Allen Ranch" or "Claimant"), by and through undersigned counsel of record, Bruce M. Smith of Moore Smith Buxton & Turcke, Chtd., and pursuant to Administrative Order 1, Section 14(d) and Idaho Rule of Civil Procedure 60(b), and hereby requests that this Court set aside its Final Order, dated October 31, 2000 decreeing Water Right Claim No. 65-3111X. The reason for the motion is to correct the point of diversion for this claim by allowing addition of an omitted historical point of diversion. This motion is brought on the grounds that good cause justifies relief from the operation of the Court's October 31, 2000 Order.

This motion is supported by the memorandum of points and authorities filed contemporaneously herewith, and by the Affidavits of Mr. J.R. Allen, Dr. David Tuthill, Mr. Bill Leslie, Mr. John Kwader, and Mr. Bruce M. Smith also filed contemporaneously herewith.

Exhibit "A"

Respectfully submitted this 30th day of September, 2013.

MOORE SMITH BUXTON & TURCKE, CHTD.

By: 
Bruce M. Smith
Attorney for Allen Ranch LLP

Exhibit "A"