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Department of Water Resources

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ISB No. 5790

Attorneys for Claimant/Objector

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 Nos. 41-00008B, 41-00013B
)
)
)
) MOTION TO CONTINUE
) TRIAL

COMES NOW, Jason D. Walker of the firm of Ling, Robinson & Walker, Rupert, Idaho, attorney of record for the Claimant/Objector, James Juan Spillet, and moves this Court for an Order continuing the trial in the above-entitled matter currently scheduled for May 13, 2004, on the following grounds:

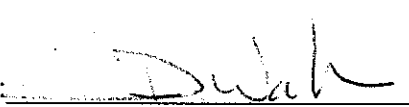
1. The Claimant, James Juan Spillet, will not be available from May 10, 2004, to May 21, 2004.
2. The Claimant has been focusing his efforts on resolution of this matter with other water users, and as a result is not prepared to proceed with a trial in this matter on

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2 May 13, 2004.

3 3. In addition, counsel for the Claimant currently has a number of
4 criminal jury trials scheduled for May 12th, 13th and 14th in front of the Honorable Barry
5 Wood in Minidoka County. It is expected that at least one of those jury trials will go.
6 For the reasons stated hereinabove, defendant respectfully requests an order of this Court
7 continuing the trial. For the convenience of the Court, counsel for the Claimant has included
8 his unavailable dates.

9 DATED this 30th day of May, 2004.

10 LING, ROBINSON & WALKER

11
12
13 By: 

14 Jason D. Walker

15 Attorneys for Claimant/Objector
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3 CERTIFICATE OF MAILING

4 I hereby certify that on the 22nd day of May, 2004, I served a copy of the
5 foregoing **MOTION TO CONTINUE TRIAL** upon:

6 James Robinson
7 Bench Ditch Irrigation Co.
8 P.O. Box 157
9 Rockland, ID 83271

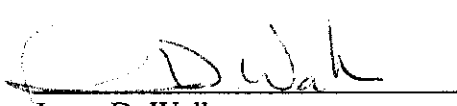
10 James Juan Spillett
11 P.O. Box 278
12 Rockland, Idaho 83271

13 James V. Spillett
14 Robert R. Spillett
15 P.O. Box 144
16 Rockland, Idaho 83271

17 Director of IDWR
18 P.O. Box 83720
19 Boise, Idaho 83720

20 Scott Weston
21 4448 State Highway 37
22 Rockland, Idaho 83271

23 by depositing a copy thereof in the United States mail, postage prepaid, in an envelope
24 addressed to said parties/entities at the foregoing addresses.

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Jason D. Walker