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MAY 05 2004

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:

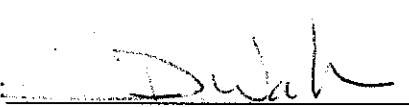
1. The Claimant, James Juan Spillet, will not be available from May 10, 2004, to May 21, 2004.
2. The Claimant has been focusing his efforts on resolution of this matter with other water users, and as a result is not prepared to proceed with a trial in this matter on

1
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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CERTIFICATE OF MAILING

I hereby certify that on the 25th day of May, 2004, I served a copy of the foregoing **MOTION TO CONTINUE TRIAL** upon:

James Robinson
Bench Ditch Irrigation Co.
P.O. Box 157
Rockland, ID 83271

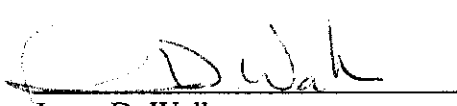
James Juan Spillett
P.O. Box 278
Rockland, Idaho 83271

James V. Spillett
Robert R. Spillett
P.O. Box 144
Rockland, Idaho 83271

Director of IDWR
P.O. Box 83720
Boise, Idaho 83720

Scott Weston
4448 State Highway 37
Rockland, Idaho 83271

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


Jason D. Walker