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**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,

**STATUS UPDATE AND MOTION
TO VACATE ORDER TO SHOW
CAUSE HEARING AND TO SET
STATUS CONFERENCE**

Case No. 39576

SUBCASE NO. 29-2175
Special Master: Brigitte Bilyeu

Objectors Elmer Jay Hartvigsen Family Trust, Reed & Doris Hartvigsen Family Trust, and Richard N. Hartvigsen, through their undersigned counsel of record, hereby submit this status update and motion to vacate order to show cause hearing and to set status conference.

Since the Initial Hearing held by this Court on April 22, 2004, in Pocatello, Idaho, the parties have been in contact and have entered into a settlement agreement that is agreeable to each of the parties. Claimant Doreen Curtis has been acting through her son, Gene Curtis, who has a power of attorney to act in her behalf. After agreement was reached between the Claimant and Objectors, the Claimant and Objectors contacted the Idaho Department of Water Resources who agreed to the settlement and have prepared the Standard Form 5 for signature. An additional element of the settlement agreement is that the Objectors agreed not to pursue attorney fees and costs against the Claimant. That part of the stipulated settlement agreement has been

prepared by the Objectors. These documents have been signed by David Hartvigsen, pursuant to powers of attorney issued by each of the Objectors, and forwarded to Gene Curtis for signature.

Accordingly, the Objectors hereby request that the Order to Show Cause Hearing set for May 26, 2004, at 2:30 p.m. be hereby vacated and that a hearing be set at the same time and place for a Status Conference to formally report the settlement of the case to this Court.

DATED this 24th day of May, 2004


D. SCOTT CROOK
SMITH HARTVIGSEN, PLLC
Attorneys for Objectors

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2004, I caused to be sent via facsimile, e-mail and/or first-class mail U S Mail, postage prepaid , a true and correct copy of the Status Update and Motion to Vacate Order to Show Cause Hearing and To Set Status Conference addressed as follows

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Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3078

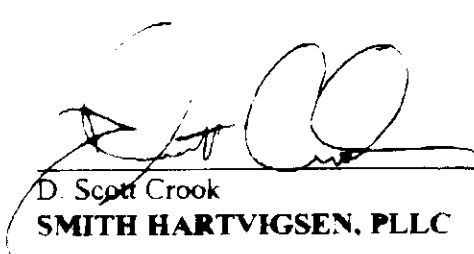
Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0098
(208) 327-5400

IDWR Document Repository
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Boise, ID 83720-0098

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Gene Curtis
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(435) 863-4037


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Facsimile Transmittal

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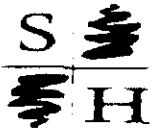
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