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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Kevin Smyer, Norman Smyer and Dolores Smyer

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

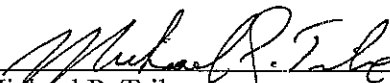
In Re SRBA	)	Subcase Nos 45-10480, 45-10481 and
	)	45-12906
Case No. 39576	)	
	)	NOTICE OF HEARING ON SMYERS'
	)	MOTION IN LIMINE AND MOTION
	)	FOR SUMMARY JUDGMENT IN
	)	SUBCASE 45-10481

TO: CLERK OF THE COURT and SHELLY DAVIS, Earl Warthen's attorney

PLEASE TAKE NOTICE that the undersigned will bring Smyers' *Motion in Limine and Motion for Summary Judgment in Sub-Case 45-10481* for hearing before the above-entitled Court on March 2, 2006, the date currently set for a Pretrial Conference in the above-entitled sub-cases. The Pretrial Conference is set for 9:00 a.m. before Special Master Terrance A. Dolan.

DATED this 27th day of February, 2006

LING, ROBINSON & WALKER

By: 
Michael P. Tribe
Attorneys for Smyers

1
2 **CERTIFICATE OF MAILING**

3 I hereby certify that on the 27th day of February, 2006, I served the
4 original and true and correct copies, respectively, of the foregoing NOTICE OF
5 APPEARANCE upon:

6 **Original to:**

7 Clerk of the District Court
8 Snake River Basin Adjudication
9 253 Third Avenue North
10 P O Box 2707
11 Twin Falls, Idaho 83303-2707

12 **Copies to:**

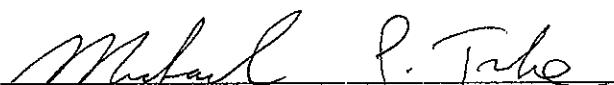
13 IDWR Document Depository
14 P. O Box 83720
15 Boise, Idaho 83720-0098

16 Chief, Natural Resources Division
17 Office of the Attorney General
18 State of Idaho
19 P. O. Box 44449
20 Boise, Idaho 83711-4449

21 The United States Department of Justice
22 Environment and Natural Resources Division
23 550 West Fort Street, MSC 033
24 Boise, Idaho 83724

25 Rochelle M. Davis, Esq.
26 Barker Rosholt & Simpson, LLP
27 P O Box 2139
28 Boise, ID 83701-2139
Attorneys for Earl Warthen

by depositing said document in the United States mail, postage prepaid, in envelopes
addressed to said persons/entities at the foregoing addresses.

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26 
27 Michael P. Tribe
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