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RECEIVED
MAY 08 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for Earl Warthen, 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

Subcase No. 45-10502

Case No. 39576

**UNOPPOSED MOTION TO
VACATE STATUS CONFERENCE
AND RESCHEDULE**

COMES NOW, Counsel for the Objector, Earl Warthen, and hereby moves this Court to vacate the status conference scheduled for Thursday, May 11, 2006, at 10:00 am, and reschedule the conference for a date after June 20, 2006.

Earl Warthen has withdrawn his objection to the above-entitled subcase contingent on the Court's decision to allow or disallow the filing of a late claim that would divide claim number 45-10502 into two separate claims. The claim number that Mr. Warthen seeks to be allowed to file late is 45-13991. The hearing on the Motion to File a Late Claim is scheduled for June 20, 2006.

Counsel for the Participants, Kevin, Norman and Delores, Smyer, and counsel for the Participant United States Forest Service have been contacted and have no objection to vacating the status conference, to be rescheduled for a date after June 20, 2006.

Dated this 8th day of May 2006.

BARKER ROSHOLT & SIMPSON LLP

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Shelley M. Davis
Counsel for Earl Warthen

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May 2006, I served a true and correct copy of the foregoing *Unopposed Motion to Vacate Status Conference and Reschedule* on the following via Facsimile, E-Mail, or U.S. Mail, postage prepaid:

Original to: (via facsimile)

Clerk
Fifth Judicial District Court
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to Participants: (via U.S. Mail)

Michael P. Tribe
Ling Robinson & Walker, PLLC
615 H Street
P.O. Box 396
Rupert, ID 83350

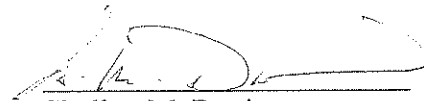
David Negri
United States Department of Justice; for USFS
550 West Fort Street, MSC 033
Boise, ID 83724

Copies to: (via U.S. Mail)

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

A handwritten signature in black ink, appearing to read 'Shelley M. Davis', written over a horizontal line.

Shelley M. Davis