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CLERK OF DISTRICT COURT
TWIN FALLS CO. IDAHO
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2006 DEC 4 PM 2 33

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ISB No. 6816

Attorneys for Respondents,
Marilyn A. Grace and Stephen J. Grace

**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. 63-17246B
	)	
Case No. 39576	)	MOTION FOR WITHDRAWAL
	)	<u>AS ATTORNEY OF RECORD</u>

COMES NOW Michael P. Tribe of the firm Ling, Robinson & Walker, Rupert, Idaho, attorneys at law, and moves the Court for leave to withdraw as attorneys of record for respondents Marilyn A. Grace and Stephen J. Grace in this matter, and in support thereof states:

The firm of Ling, Robinson & Walker originally represented the respondents by filing on their behalf a Standard Form 2 Response to Objection dated June 22, 2006. On September 22, 2006, movant received a *Notice Setting Subcase for Initial Hearing* for Tuesday, December 5, 2006 at the Idaho Supreme Court Building in Boise, Idaho. This firm has a three-day trial beginning December 4, 2006 in Twin Falls, Idaho. Such notice of trial setting precedes the September 22, 2006 *Notice Setting Subcase for Initial Hearing* for the above-referenced subcase number, not allowing your movant to attend the December 5, 2006 initial hearing. By

LING, ROBINSON & WALKER
ATTORNEYS AT LAW
RUPERT, IDAHO 83350-0396

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3 letter dated September 22, 2006, movant advised respondents Grace of the conflict and that it
4 would be necessary for them to obtain another attorney in the place and stead of Michael P.
5 Tribe, movant herein. A copy of said letter is attached hereto as Exhibit "A." This withdrawal of
6 counsel, therefore, is merely procedural to remove the firm of Ling, Robinson & Walker from the
7 court's certificates of service in Subcase No. 63-17246B.

8 WHEREFORE, your movant prays that an Order be entered by the Court allowing
9 the firm of Ling, Robinson & Walker to withdraw as attorneys of record for the respondents
10 Stephen J. Grace and Marilyn A. Grace.

11 Respectfully submitted this 1st day of December, 2006.

12 LING, ROBINSON & WALKER

13 By: 
14 Michael P. Tribe

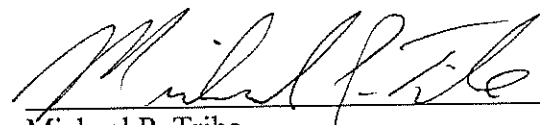
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that I have this 1st day of December, 2006, served true and correct
17 copies of the foregoing *Motion for Withdrawal as Attorney of Record* by mailing said copies via
18 First Class, U.S. Mail, properly addressed with first-class postage prepaid, to:

19 Marilyn A. Grace and Stephen J. Grace
20 8440 W. Victory Road
21 Boise, Idaho 83709

22 New York Irrigation District
23 6616 Overland Road
24 Boise, Idaho 83709

25 Charles F. McDevitt
26 McDevitt & Miller, LLP
27 P. O. Box 2564
28 Boise, Idaho 83701


Michael P. Tribe

LING, ROBINSON & WALKER

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TELEPHONE 436-4717
FAX 436-6804

September 22, 2006

Mr. Stephen J. Grace
8440 W. Victory Road
Boise, Idaho 83709

RE: Subcase No. 63-17246B

Dear Stephen:

I received the Notice Setting Subcase for Initial Hearing on Tuesday, December 5th at the Idaho Supreme Court Building in Boise. I have some concerns concerning that date. Both myself and Roger Ling, the other attorney in this office who practices in the water law arena, are involved in a three-day trial in Twin Falls on December 4-6, 2006. At the initial hearings, a resolution of the case is not normally found; however, it is an important stage in the lawsuit. Because I will be unable to attend, I think it might be best if we obtained for you, or you yourself retained, local counsel in Boise at this time. I suggest this, not based upon the merits of your case, but because there is no one else in our office who will be able to attend the initial hearing who practice in that area, and I know that Barker, Rosholt and Simpson can't be a part of it as they have conflicts in your case.

There are several other good, natural resource firms and attorneys in the Boise area. I would recommend two at Givens Pursley—there is actually a whole group of attorneys who practice water law there. The two that I am familiar with are John Marshall and Christopher Meyer. Their phone number is (208) 388-1200. Also, a law firm by the name of Ringert Clark has a group of natural resources attorneys who focus on water law. Specifically, I am familiar with Charlie Honsinger, but I also understand that Laura Burri is an excellent attorney. That number is (208) 342-4591. Since the hearing is not until December 5th, you should have plenty of time to retain a new attorney and get them up to speed on the matter. I hesitate to even write this letter, but I think it would be in your best interest to retain counsel in the Boise area. I appreciate getting to know you. I appreciate the gift you brought to me and wear it proudly. Feel free to give me a call when you receive this letter. I just don't see any way it can be worked out for you to be represented as well as you need to be. If you do retain new counsel, we will provide the new attorney with all the information we have to help your case.

Sincerely

/S/ MICHAEL P. TRIBE

Michael P. Tribe

MPT:jb

EXHIBIT "A"