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Attorneys for City of Weiser

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MAY 17 2007

DEPARTMENT OF
WATER RESOURCES

**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. 03-10010
	)	
	)	CITY OF WEISER'S MOTION TO VACATE
Case No. 39576	)	MAY 3, 2007 INITIAL HEARING
	)	

The City of Weiser, by and through its counsel, Beeman & Associates, P.C., moves the court to vacate the May 3, 2007 initial hearing at 10:45 a.m. in subcase 03-10010 before Special Master Dolan and reschedule the initial hearing for a later date, because of a conflict in scheduling.

Counsel for the City of Weiser also is counsel of record in a pending matter at the SRBA court affecting 29 SRBA claims in Basin 37, which is scheduled for a mandatory SRBA settlement conference in Gooding, Idaho on May 3, 2007 from 10:00 a.m. to 1:00 p.m.

Counsel for the City of Weiser has spoken with counsel for the Idaho Department of Water Resources (IDWR) about vacating the May 3, 2007 initial hearing and rescheduling it for a later date. Counsel for IDWR does not oppose the City of Weiser's Motion to Vacate May 3, 2007 Initial Hearing.

The City of Weiser does not request oral argument on this motion.

Respectfully submitted this 3rd day of May 2007.

BEEMAN & ASSOCIATES, P.C.
Attorneys for the City of Weiser

By Josephine P. Beeman
Josephine P. Beeman

CERTIFICATE OF SERVICE

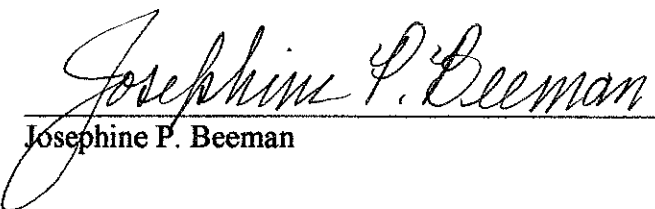
I HEREBY CERTIFY that on the 15th day of May 2007, I caused a true copy of the foregoing **CITY OF WEISER'S MOTION TO VACATE MAY 3, 2007 INITIAL HEARING** to be served by U.S. First Class Mail on:

UNITED STATES OF AMERICA
REPRESENTED BY:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NAT'L RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

STATE OF IDAHO
REPRESENTED BY:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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IDAHO DEPARTMENT OF WATER
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322 EAST FRONT STREET
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