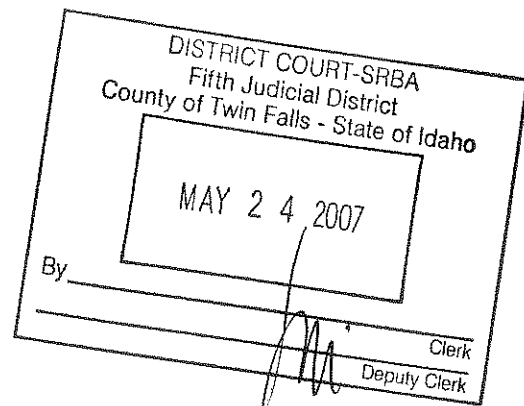


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 Fax Number: (208) 678-4998
 ISB # 1134

Attorney for LeRoy Fairchild



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

In Re SRBA

Case No. 39576

Subcase No. 45-569, 45-574,
 45-576, 45-618, 45-2658

MOTION TO VACATE
 MAY 30, 2007 HEARING

Comes now Donald J. Chisholm, the attorney for LeRoy Fairchild, to move to vacate the hearing scheduled before the Honorable Terrence Dolan, Special Master, in the above entitled matter on May 30, 2007, and to request that the matter be re-set for hearing in approximately 60 days for the following reasons:

1. LeRoy Fairchild had a good faith belief that he would be able to close the sale of his real property to which the water rights in question are appurtenant to Eugene Matthews before May 18, 2007. LeRoy Fairchild had a written agreement to sell his property to Eugene Matthews. The sale could not be closed, because Susan Bedke filed an action in Cassia County, Idaho Case No. CV-2007-470 and recorded a notice of pendency of action encumbering the title to LeRoy Fairchild's property. She claims that she has an oral contract to purchase the property. The undersigned counsel for LeRoy Fairchild is defending that action and believes that Susan Bedke's claim that she is entitled to purchase the property will be defeated or withdrawn.

2. Eugene Matthews was funding LeRoy Fairchild's costs and attorney fees in the SRBA proceedings. He is leasing the property of Martins, who are the opposing parties in the SRBA case. He

believed that he would be able to complete the purchase of the Fairchild property, and that he would be able to resolve the water rights issues with the Martins without having to proceed to a contested hearing. Unbeknownst to the undersigned counsel for LeRoy Fairchild, an agreement was reached to terminate the services of Patrick Brown, who then obtained an order permitting him to withdraw as counsel.

3. The undersigned counsel for LeRoy Fairchild was not apprised of the situation until the afternoon of May 16, 2007. Due to the press of other business, the only action the undersigned was able to take on behalf of LeRoy Fairchild to comply with the order allowing Patrick Brown to withdraw was to file a notice of appearance by May 21, 2007, which the undersigned did. The undersigned cannot be prepared for a hearing on May 30, 2007.

4. The undersigned has consulted with Travis Thompson, the attorney for the Martins and with Nicholas Spencer, the attorney for the Idaho Department of Water Resources. They have advised the undersigned that they would consent to having the May 30, 2007 hearing date vacated for the reasons stated above.

5. The undersigned attempted to discuss the matter with Special Master Dolan on May 22, 2007, but was only able to leave a voice mail message. The undersigned discussed the matter with the clerk for the Special Master on May 23, 2007, and advised her of the status of the matter and this request to vacate.

6. Counsel for LeRoy Fairchild respectfully requests that the May 30, 2007 hearing be vacated and that the matter be scheduled for hearing approximately 60 days after May 30, 2007. The undersigned will diligently pursue a resolution of the claim of Susan Bedke and a closing of the sale of the Fairchild property to Eugene Matthews and resolution of the water rights claim with Martins.

Movant requests that this motion be granted without hearing by the Special Master.

Dated this 23rd day of May, 2007.

Chisholm Law Office

By: Donald J. Chisholm
Donald J. Chisholm

Sent By: ;

208 878 4898;

May-23-07 2:02PM;

Page 4/4

CONSENT OF TRAVIS L. THOMPSON AS ATTORNEY FOR ANNE R. MARTIN
AND HAROLD REX MARTIN AND NICHOLAS SPENCER AS
ATTORNEY FOR THE IDAHO DEPARTMENT OF WATER RESOURCES

The undersigned hereby consent to having the May 30, 2007, hearing before the Special Master vacated and to having the hearing re-scheduled approximately 60 days after May 30, 2007. We authorize presentation of faxed copies of our signatures on counterparts to the Special Master.

Date: 5/21/07



Travis L. Thompson

Date: _____

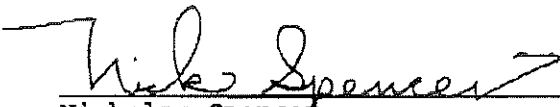
Nicholas Spencer

CONSENT OF TRAVIS L. THOMPSON AS ATTORNEY FOR ANNE R. MARTIN
AND HAROLD REX MARTIN AND NICHOLAS SPENCER AS
ATTORNEY FOR THE IDAHO DEPARTMENT OF WATER RESOURCES

The undersigned hereby consent to having the May 30, 2007, hearing before the Special Master vacated and to having the hearing re-scheduled approximately 60 days after May 30, 2007. We authorize presentation of faxed copies of our signatures on counterparts to the Special Master.

Date: _____

Travis L. Thompson

Date: 5-24-07
Nicholas Spencer