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DEPARTMENT OF
WATER RESOURCES

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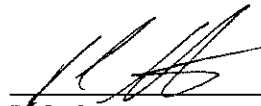
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA	)	Subcase <u>See Exhibit A</u>
	)	
Case No. 39576	)	MOTION TO VACATE TRIAL
	)	SETTING
	)	
	)	
	)	

COMES NOW the City of Burley who hereby moves the Court to enter an order to vacate and reschedule the trial in the above-entitled cause which is currently scheduled for Thursday, September 6th, 2007 at 9:00 o'clock A.M. This motion is made for the reason that there is currently a pending litigation involving the City of Pocatello, addressing many of the issues present in this case. The Idaho Department of Water Resources has taken the position of being reluctant to make any recommendation until disposition of the Pocatello case has occurred. Similarly, the City of Burley is reluctant to amend its claims pursuant to the parties' agreement until it has some guidance from the outcome of the Pocatello case.

DATED this 29th day of August, 2007.

PARSONS, SMITH & STONE, LLP



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EXHIBIT A

Subcase Nos:

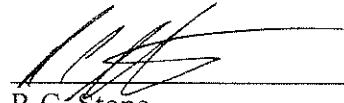
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45-07436
45-11133

CERTIFICATE OF DELIVERY

I hereby certify that on the 29th day of August, 2007, I served a copy of the foregoing
Motion to Vacate Trial Setting upon the following in the manner listed below:

IDWR	☒ Via United States Mail
P.O. Box 83720	☐ Via Facsimile
Boise, Idaho 83720-0098	☐ Via Overnight Carrier
	☐ Via Hand Delivery

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