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DOJ ENRD DENVER

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Environment and Natural Resources Division**JAMES J. DUBOIS**Natural Resources Section
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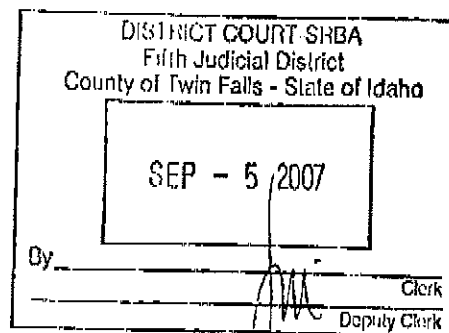
U.S. Department of Justice

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Counsel for the United States

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

In In Re SRBA	)	Subcase Nos. 25-04032
	)	
Case No. 39576	)	
	)	
	)	UNITED STATES' MOTION TO VACATE AND
	)	RESCHEDULE HEARING

Claimant, the United States of America ("United States"), by and through its undersigned counsel, respectfully moves the SRBA Court for an Order vacating and resetting the hearing presently scheduled for Wednesday, September 12, 2007, and Thursday, September 13, 2007.

Counsel for the United States recently has been informed that one of its witnesses, Mr. Raymond Ostler, who is the United State's predecessor in interest to the water right and critical to the Court's understanding of the history of this water right, will be unavailable on September 12 and 13, 2007, due to family matters in Nevada. The matter cannot be rescheduled, and Mr.

Ostler will not return to Idaho until the following week. Mr. Ostler has unique personal knowledge regarding the use and operation of the water right at issue in this matter between the years 1961 and 1990, and cannot be replaced with other testimony.

The interest of Justice will be served by vacating the hearing in this matter, and rescheduling the hearing at the Court's earliest convenience. Rescheduling of the hearing will not prejudice the objector in this matter.

Counsel for the United States has attempted to confer with Mr. Foster, counsel for the objector OW Ranch, but has been unsuccessful.

WHEREFORE, for good cause shown, the United States respectfully requests that the hearing in this matter be vacated, and rescheduled at the Court's earliest convenience.

DATED this 4th day of September, 2007.



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CERTIFICATE OF SERVICE

I certify that on this 4th day of September 2007, I served a true and correct copies of the foregoing **UNITED STATES' MOTION TO VACATE AND RESCHEDULE HEARING** as indicated below:

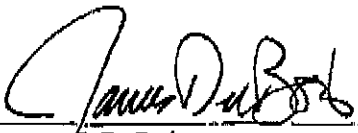
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