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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

Case No. 39576

)
) **Subcase No. 01-10488**
)
) **MOTION TO VACATE TRIAL**
) **DATE AND SET STATUS**
) **CONFERENCE**
)
)

COMES NOW, the Claimant North Side Canal Company ("NSCC"), by and through counsel of record, and moves the Court to vacate the trial date and set a status conference in this matter for the reasons set forth below.

At the initial hearing in this subcase, the Court set a trial date for November 6, 2008. At the status conference held on September 25, 2008, counsel for NSCC advised the Court and the parties about the need for NSCC and IDWR staff to meet on the factual questions regarding IDWR's decision to disallow NSCC's claimed "enlargement acres" under water right 01-10488. NSCC anticipates that it can resolve its objection with IDWR short of trial, but that sufficient time is needed to meet and review the information. Given the various schedules over the past

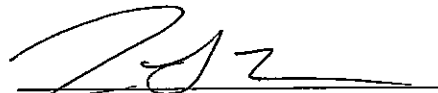
few months, NSCC's counsel, NSCC, and IDWR have been unable to meet and review the information or discuss the outstanding questions.

However, NSCC and IDWR have resolved the objections to 01-215 and 01-220. NSCC is filing standard form 5s for those disallowed claims with the Court concurrent with the filing of this motion. As discussed at the September 25, 2008 status conference, it was NSCC's understanding that if those subcases could be resolved, the Court would entertain vacating the trial date for 01-10488.

Accordingly, NSCC respectfully requests the Court vacate the trial date of November 6, 2008 and set a status conference in this subcase. Counsel for IDWR has represented that IDWR supports this motion as well.

DATED this 31st day of October, 2008.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to be 'J. Rosholt', written over a horizontal line.

John A. Rosholt
John K. Simpson
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Attorneys for North Side Canal Company,

CERTIFICATE OF MAILING

I certify that on October 31, 2008, I served true and correct copies of the foregoing by the method indicated:

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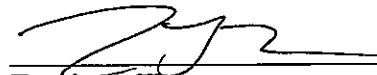
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