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DEPARTMENT OF
WATER RESOURCES

Jerry R. Rigby, ISB #2470
Ray W. Rigby, ISB #613
Hyrum D. Erickson, ISB #7688
RIGBY ANDRUS & MOELLER CHTD.
P.O. Box 250
Rexburg, Idaho 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

Attorneys for Claimants: John E. and Ruth C. Burns, Rodney Hugh & Susan Francine Edmiston, George Matejko, Phillip G. Eisenhauer & Shelley L. Erwin, Shirley J. Mattis, Robert D. & Fransicka Mosher, Jacqueline D. & Robert M. Ernest, Roberta & Danny E. Fadness, Johnny J. Cabigas, Steven K. Yowell, Linda & Rick Rice, Terry J. & Veralyn E. Hershey, James Paul Hudson, William W. Clementz, Cathleen & James R. Tippet, James & Rowena Quinn

**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 Nos. See Attached Exhibit "A"
	)	
	)	
Case No. 39576	)	MOTION FOR CHANGE OF TRIAL LOCATION
_____	)	

Come now John E. and Ruth C. Burns, Rodney Hugh & Susan Francine Edmiston, George Matejko, Phillip G. Eisenhauer & Shelley L. Erwin, Shirley J. Mattis, Robert D. & Fransicka Mosher, Jacqueline D. & Robert M. Ernest, Roberta & Danny E. Fadness, Johnny J. Cabigas, Steven K. Yowell, Linda & Rick Rice, Terry J. & Veralyn E. Hershey, James Paul Hudson, William W. Clementz, Cathleen & James R. Tippet (the Claimants) by through their attorneys of record, Rigby Andrus & Moeller, Chtd., and move this Court for an Order changing the location of the trial to Salmon, Idaho. Claimants recognize that it may be some time before the Court is able to rule on this motion and presently do not request a hearing.

On March 5, 2009, the Court and the parties held a status conference by telephone. During the status conference, the Court, after consulting the parties, set trial for February 24, 2010. The Court indicated that due to budget constraints, it was required to schedule the trial for Twin Falls, rather than Salmon. At that time, Claimant John Burns expressed concern regarding the inconvenience a trial in Twin Falls in February would cause for the large number of Salmon residents involved. The Court explained that its hands were tied at this time.

Claimants understand the Courts budgetary constraints and make this motion with the understanding that the Court may not rule on it for some time. Nevertheless, Claimants are constrained to make this motion to emphasize the inconvenience and inequity that would result from holding the trial in Twin Falls and ask the Court to change the trial location at the appropriate time.

This action involves 25 separate pieces of property each owned by a different family. Attorney's for the Claimants represent 16 of the property owners. Many of those individuals and families are personally interested and involved in these proceedings. As the Court knows from its own travels, Twin Falls is a little over 4 ½ hours from Salmon on good roads. It is impossible to predict how long the trip may take in late February or even if it will be possible. Idaho Courts and the Idaho Legislature have recognized the value of holding trials and hearings at locations convenient to those citizens directly affected by them. *See Priest Lake Coalition, Inc. v. State of Idaho ex rel.* (Idaho 1986) 111 Idaho 354, 723 P.2d 898. Throughout the process of the SRBA, the Judges and Special Masters have tried to make the process as accessible as possible for the citizens whose water rights were being affected.

Accordingly, the Claimants move the Court to change the location of the trial to Salmon, Idaho. Claimants do not presently request a hearing on this Motion yet are making this motion in order to preserve their right to do so if or when it becomes appropriate.

DATED this 8th day of April, 2009.


Hyrum Erickson
Rigby, Andrus & Moeller, Chtd.

CERTIFICATE OF MAILING

I certify that on April 8th, 2009, I mailed the original and copies of the foregoing motion, including all exhibits, to the following persons:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

Travis L. Thompson
Paul L. Arrington
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, Idaho 83303

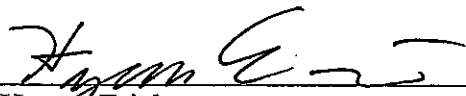

Hyrum Erickson

EXHIBIT "A"

75-10678	75-10062R
75-10061Y	75-69K
75-10062W	75-70K
75-69N	75-14443
75-70N	75-14441
75-10061AA	75-69L
75-10062Y	75-70L
75-69Q	75-10061J
75-70Q	75-10062H
75-10137B	75-69F
75-10136B	75-70F
75-69X	75-10061AM
75-70Y	75-10062AL
75-10061C	75-10061A
75-14388	75-10062A
75-14393	75-69A
75-14387	75-70A
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