



LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

CHRISTOPHER H. MEYER
DIRECT DIAL: 208 388-1236
CELL: 208 407-2792
EMAIL: chrismeyer@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin C. Fredin
Martin C. Hendrickson

Steven J. Hippler
Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Metillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Justin A. Steiner
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

Via Email and U.S. Mail

April 20, 2009

Hon. Brigitte Bilyeu
Special Master
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707
bbilyeu@srba.state.id.us

Re: SRBA, Subcase 37-22256 (Oliver Family Trust)
Request To Be Excused from Initial Hearing

Dear Special Master:

I am writing with respect to the initial hearing in this matter set for this Friday, April 24, 2009. My client, the Oliver Family Trust, has been in discussions with the objectors and other parties (plus the Peter M. Thomas Trust, the owner of the split right, No. 37-22255) aimed at settlement of the objections.

Discussions are continuing. There is some hope that a resolution can be reached before the initial hearing. I believe it is more likely, however, that we will not have reached settlement by that time.

I believe that we all have a detailed understanding of the legal and factual issues that need to be resolved. In addition, we have had the benefit of input from IDWR staff and counsel. Given these active and ongoing efforts outside of the initial hearing, I do not believe that participation in the initial hearing will be necessary to our continued efforts. In order to save an unnecessary expense to my client, I respectfully ask to be excused from this Friday's initial hearing. We discussed this during the most recent conference call with the objectors, and their counsel agreed not to object to my client's non-participation. The same goes for Sinclair Oil Company and the Peter M. Thomas Trust. The State and the United States did not participate in the conference call.

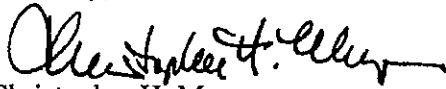
Hon. Brigitte Bilyeu
April 20, 2009
Page 2

Assuming that we have not reached settlement by that time, it is our mutual expectation that the matter will be set for hearing.

If it would be helpful for me to be available for the initial hearing by telephone, I would be happy to participate. Likewise, if the Hearing Officer determines that my participation cannot be excused, I will be attend the hearing personally. My client, however, is not in Idaho and will not be able to attend.

I thank you for your consideration of this request. I trust that this informal communication is acceptable. I have copied those who would be on the service list of a pleading in this matter.

Sincerely,


Christopher H. Meyer

cc: Albert P. Barker (Concerned Water Users)
Craig D. Hobdey (Big Wood Canal Company)
James R. Laski (Peter M. Thomas Trust)
Scott L. Campbell (Sinclair Oil Co.)
Chief, Natural Resources Division, Office of Attorney General (State of Idaho)
Nicholas B. Spencer (IDWR)
U.S. Department of Justice, Environment & Natural Resources Division (United States)

CHM:ch

545763_1