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MAY 14 2009

**DEPARTMENT OF
WATER RESOURCES**

Attorneys for Claimant DBSI Tiegs 979, LLC

Scott L. Campbell, ISB No. 2251
Dylan B. Lawrence, ISB No. 7136
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23255.0000

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 Nos. 63-02896	63-03043
63-03163	63-03255
63-03274	63-03486
63-07876	63-08053
63-31476	

PROOF OF SERVICE

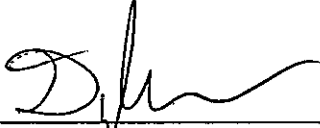
Pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure, the undersigned hereby certifies that on the 27th day of April, 2009, he forwarded, via United States certified mail, a copy of the Order Granting Motion for Leave to Withdraw as Counsel of Record attached hereto as Exhibit A in the above-entitled cause to the following individuals and addresses, postage prepaid:

Colleen Schulthies
DBSI
12426 W. Explorer Drive
Boise, ID 83713

Var Reeve
DBSI
12426 W. Explorer Drive, Suite 200
Boise, ID 83713

DATED this 13th day of May, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Dylan B. Lawrence – Of the Firm
Attorneys for Claimant DBSI Tiegs 979, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2009, I caused a true and correct copy of the foregoing **PROOF OF SERVICE** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

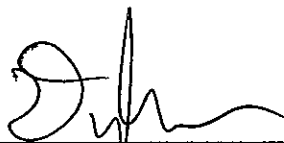
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☐ Facsimile

Natural Resources Division Chief
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

UNITED STATES DEPARTMENT OF JUSTICE
Environment & Natural Resources
MSC 033
550 West Fort Street
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Dylan B. Lawrence

EXHIBIT A

TO PROOF OF SERVICE

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
David B. Lincoln
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Christine E. Nicholas
Bradley J. Williams
Lee Radford
Michael O. Roe
Nancy J. Garrett
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGraham
David P. Gardner
Tara Martens
Mark C. Peterson
Julian E. Gabiola
Kimberly D. Evans Ross
Jason G. Murray

Jon A. Stenquist
Tyler J. Anderson
Paul D. McFarlane
Tyler J. Henderson
C. Edward Cather III
Michelle C. Michaud
Andrew J. Waldera
Dylan B. Lawrence
Benjamin C. Ritchie
Rebecca A. Rainey
Matthew J. McGee

Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

April 27, 2009
via Certified Mail

Colleen Schulthies
DBSI
12426 W. Explorer Drive
Boise, ID 83713

Var Reeve
12426 W. Explorer Drive, Suite 220
Boise, ID 83713

**Re: Order Granting Motion for Leave to Withdraw as Counsel of Record
(DBSI Tiegs 979, LLC)**

MTBR&F File No. 23255.0000, 23255.0001

Dear Colleen and Var:

I am enclosing a copy of the Snake River Basin Adjudication district court's Order Granting Motion for Leave to Withdraw as Counsel of Record in multiple SRBA subcases in which Moffatt Thomas was representing DBSI Tiegs 979, LLC. You will note that the court signed the order on April 9, 2009. However, because it was not served on Moffatt Thomas, I only recently became aware that the order was signed by the court. I apologize for this delay.

In any event, please note that pursuant to Idaho Rule of Civil Procedure 11(b)(3), DBSI Tiegs 979, LLC has twenty (20) days from the date of this letter to either have its attorney file a notice of appearance, or to file a written notice that it will proceed without an attorney. Failure to file one of these notices within the twenty-day period could result in entry of default and default judgment, with prejudice, against DBSI Tiegs 979, LLC, as is reflected in the attached order.

Please do not hesitate to contact me with any questions or to discuss this matter further. Thank you for your attention to this matter.

Very truly yours,

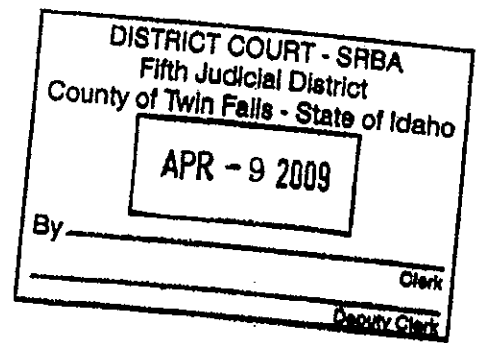


Dylan B. Lawrence

DBL/llw

Enclosure

cc: Scott L. Campbell



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 Nos.	63-02896	63-03043
	63-03163	63-03255
	63-03274	63-03486
	63-07876	63-08053
	63-31476	

**ORDER GRANTING MOTION FOR LEAVE
TO WITHDRAW AS COUNSEL OF RECORD**

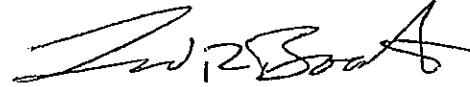
This matter having come before the Court on April 7, 2009, on Motion for Leave to Withdraw as Counsel of Record for DBSI Tiegs 979 LLC ("DBSI"), filed by Scott L. Campbell of the law firm of Moffatt Thomas Barrett Rock & Fields, Chartered and argued by Dylan B. Lawrence of that firm; the Court having heard argument, reviewed the Motion and its supporting materials, having found that the Motion is properly presented, and being otherwise fully informed in the premises;

IT IS HEREBY ORDERED, adjudged and decreed that such Motion for Leave to Withdraw as Counsel of Record in the above-referenced subcases is GRANTED.

IT IS FURTHER ORDERED that withdrawing counsel shall give notice of this Order to DBSI as required by Idaho Rule of Civil Procedure 11(b)(3). DBSI shall file and serve an additional written appearance in this action, either in person or through a newly appointed attorney WITHIN TWENTY (20) DAYS of the date of service or mailing of this Order. If DBSI

fails to file and serve such additional written appearance in this action within the aforementioned 20-day period, such failure shall be sufficient grounds for entry of default and default judgment without further notice.

DATED this 9 day of April, 2009.

A handwritten signature in black ink, appearing to read 'Theodore R. Booth', written over a horizontal line.

Theodore R. Booth
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of April, 2009, I caused a true and correct copy of the foregoing **ORDER GRANTING MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD** to be served by the method indicated below, and addressed to the following:

Representing: State of Idaho
David J. Barber
Office of the Attorney General
STATE OF IDAHO
700 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0010
Fax: (208) 854-8072

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Former Attorneys for DBSI:
Scott L. Campbell
Dylan B. Lawrence
101 S. Capitol Blvd, 10th Floor
Post Office Box 829
Boise, Idaho 83701-0829

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098
Fax: (208) 287-6700

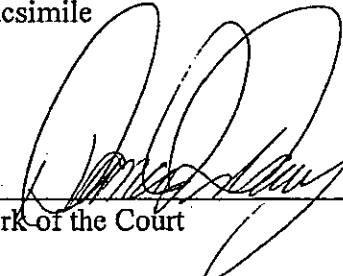
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Natural Resources Division Chief
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P.O. Box 44449
Boise, ID 83711-4449

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UNITED STATES DEPARTMENT OF JUSTICE
Environment & Natural Resources
MSC 033
550 West Fort Street
Boise, ID 83724

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☐ Facsimile



Clerk of the Court

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Colleen Schulthies
DBSI
12426 W Explorer Dr
Boise, ID 83713

2. Article Number

(Transfer from service label)

7006 2150 0000 4462 4171

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Amy Hudson*☐ Agent☐ Addressee

B. Received by (Printed Name)

Amy Hudson

C. Date of Delivery

4/29/09

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Var Reeve
12426 W. Explorer Drive
Suite 220
Boise, ID 83713

2. Article Number

(Transfer from service label)

7006 2150 0000 4462 4164

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Amy Hudson*☐ Agent☐ Addressee

B. Received by (Printed Name)

Amy Hudson

C. Date of Delivery

4/29/09

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes