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Attorneys for Owyhee Motorcycle Club

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 39576

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SUBCASE NO. 63-18957

MOTION TO DISMISS

COMES NOW, Owyhee Motorcycle Club, Inc. ("OMC") through its attorney of record, Julie Klein Fischer, and moves this court for an order dismissing the above-captioned matter. This Motion is brought pursuant to Idaho Rule of Civil Procedure 41(a) and is based on the facts and reasons set forth below:

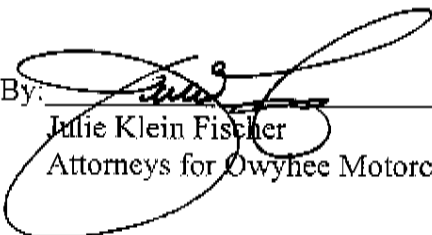
On January 30, 2009 this Court entered an *Order Requesting 706 Report / Amended Director's Report from IDWR* ("Order"). Specifically, the Order required the Department to

prepare and serve on the parties a report detailing the basis for its recommendation. *Id.* p. 1. The Order also required the Department to file an Amended Director's Report to correct an error in the quantity element of the subject water right. Both the 706 Report and Amended Director's Report were due April 30, 2009, and any objection(s) to the Amended Director's Report were due by May 28, 2009." Order p. 2. The Order clearly stated that the objections and responses on file in *this* case would not survive the filing of an Amended Director's Report.

The Department timely complied with the Order by filing and serving the 706 Report and Amended Director's Report. As of this date no objections to the Amended Director's Report have been lodged, and there no longer is a controversy over the Department's recommendation for Right No. 63-18957. Accordingly, OMC respectfully requested the matter be dismissed, with prejudice.

DATED this 19th day of June, 2009.

MORROW & FISCHER, PLLC

By: 
Julie Klein Fischer
Attorneys for Owyhee Motorcycle Club

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 19 day of June, 2009, a true and correct copy of the above and foregoing document was served upon the following by:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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Office of the Attorney general
State of Idaho
PO Box 44449
Boise, ID 83711-4449

☒

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Edwards Family LLC
c/o Dana Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702

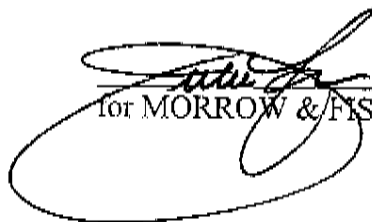
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RINGERT LAW.
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P.O. Box 2773
Boise, ID 83701-2773

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for MORROW & FISCHER, PLLC

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DATE: June 19, 2009

TO: IDWR Document Depository

FAX NO.: 287-6700

FROM: Julie Klein Fischer / Laura

PAGES: 4
(Incl. Cover Page)

RE: *SRBA Case No. 39576*
Subcase No. 63-18957

COMMENTS: Please see the attached:

1. Motion to Dismiss.

ORIGINAL: ☒ Will NOT follow ☐ Will follow by U.S. Mail ☐ Will follow by electronic mail

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William A. Morrow Julie Klein Fischer Shelli D. Stewart