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DEPARTMENT OF
WATER RESOURCES

Attorneys for Claimant DBSI Cobra 370, LLC
and DBSI Snake River 94, LLC

Scott L. Campbell, ISB No. 2251
Andrew J. Waldera, ISB No. 6608
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
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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. 02-02061 & 02-02086
(DBSI Cobra 370, LLC)
and
02-02432A & 02-07415
(DBSI Snake River 94, LLC)

PROOF OF SERVICE

Pursuant to Rule 11(b)(3) of the Idaho Rules of Civil Procedure, the undersigned hereby certifies that on the 3rd day of August, 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

Upon information and belief, Ms. Schulthies is a paralegal in the DBSI Legal Department. Ms. Schulthies assisted me with contact information of DBSI representatives familiar with the water rights and properties at issue.

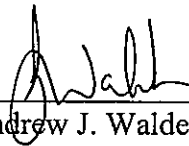
Mark Ellison
DBSI
12426 W. Explorer Drive, Suite 200
Boise, ID 83713

Mr. Ellison is currently registered as General Counsel for the DBSI Group of Companies by the Idaho State Bar. Mr. Ellison has been the billing contact with respect to services performed by the firm, and has served as DBSI's General Counsel from the outset of this firm's representation of the above captioned entities.

DATED this 3rd day of August, 2009.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



Andrew J. Waldera – Of the Firm
Attorneys for Claimant DBSI Cobra 370, LLC
and DBSI Snake River 94, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 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:

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

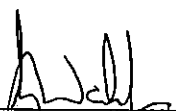
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Marc A. Myrin
Thompson & Knight LLP
One Arts Plaza
1722 Routh Street, Suite 1500
Dallas, TX 75201

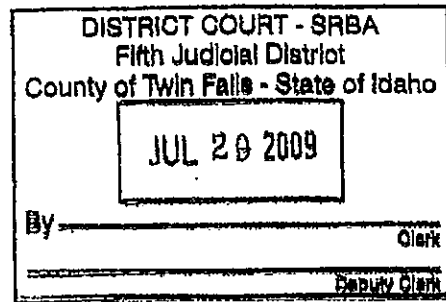
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Wayne Edgerton
4508 Pacer Way
Flower Mount, TX 75028

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



Andrew J. Waldera



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	)	Subcases 02-2061 & 02-2086	RECEIVED JUL 31 2009 MOFFATT, THOMAS, BARRETT, ROCK & FIELDS, CHTD.
	)	(DBSI Cobra 370, LLC)	
	)	and	
Case No. 39576	)	02-2432A & 02-7415	
	)	(DBSI Snake River 94, LLC)	
	)		
	)	ORDER GRATING MOTION FOR LEAVE	
	)	TO WITHDRAW AS COUNSEL OF RECORD	

On March 9, 2009, the law firm of Moffatt, Thomas, Barrett, Rock & Fields, Chtd., filed a *Motion for Leave to Withdraw as Counsel of Record* requesting permission to withdraw as counsel of record for DBSI Cobra 370 LLC, DBSI Snake River 95 LLC and DBSI Ties 979 LLC whose last known address is 12426 W. Explorer Drive, Suite 220, Boise, Idaho, 83713, because "the DBSI Entities, and related entities DBSI, Inc. and Kastera Development, LLC have past due account with counsel for professional services rendered, dating back to October 31, 2008." The *Motion* was supported by the affidavit of Scott L. Campbell who also filed a *Notice of Telephonic Hearing on Motion for Leave to Withdraw as Counsel of Record* and a *Notice Adding Interested Party to Certificate of Mailing* with the following names:

Wayne Edgerton
4508 Pacer Way
Flower Mound, TX 75028

Marc A. Myrin, Partner
Thomas & Knight LLP
One Arts Plaza
1722 Rough Street, Ste 1500
Dallas, TX 75201

A hearing on the *Motion* was held by telephone on July 23, 2009. Andrew J. Waldera appeared for the law firm of Moffatt Thomas and Garrick L. Baxter appeared for the Idaho Department of Water Resources (DWR). No one else appeared. For good cause shown,

THEREFORE, IT IS ORDERED that:

1. The *Motion* is granted;
2. DBSI Cobra 370 LLC, DBSI Snake River 95 LLC and DBSI Tiegs shall, within twenty (20) days of the date of this *Order*, appoint another attorney to appear, or appear in person by filing a written notice with this Court and IDWR stating how they will proceed without an attorney; and
3. The law firm of Moffatt Thomas shall forthwith, with due diligence, serve copies of this *Order* upon DBSI Cobra 370 LLC, DBSI Snake River 95 LLC and DBSI Tiegs and shall file proof of service with this Court and IDWR. The law firm of Moffatt Thomas may make such service upon DBSI Cobra 370 LLC, DBSI Snake River 95 LLC and DBSI Tiegs by personal service or by certified mail to the last known address most likely to give notice to them, which service shall be complete upon mailing. See I.R.C.P. 11(b)(3).

DATED July 29, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD was mailed on July 29, 2009, with sufficient first-class postage to the following:

DBSI COBRA 370 LLC
DBSI SNAKE RIVER 94 LLC

Represented by:
ANDREW J WALDERA
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARC A MYRIN
THOMPSON & KNIGHT LLP
ONE ARTS PLAZA
1722 ROUTH ST, STE 1500
DALLAS, TX 75201
Phone: 214-969-1166

DBSI SNAKE RIVER 94 LLC
1550 S TECH LN
MERIDIAN, ID 83642
Phone: 208-472-0300

WAYNE EDGERTON
4508 PACER WAY
FLOWER MOUND, TX 75028
Phone: 972-539-8530

