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DEPARTMENT OF
WATER RESOURCES

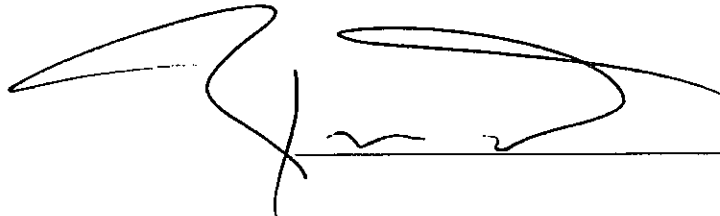
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In Re: SRBA,	)	Subcase Nos. 75-13716, 75-13717,
	)	& 75-13718
	)	
	)	MOTION TO VACATE
	)	TRIAL SET FOR
Case No. 39576	)	OCTOBER 1, 2009

COMES NOW, Brian Sopatyk by and through his counsel Bruce M. Smith of Moore Smith Buxton & Turcke, Chartered, and moves this Court to vacate the trial set for October 1, 2009, in the above matter. The basis for the motion is that the claimant and the objectors have hired a consultant who has reviewed the site for possible solutions that could resolve the pending objections. This report was received on September 15, 2009. Mr. Sopatyk would like an opportunity to review the consultant's report with the objectors to see if a mutually agreeable solution can be found in lieu of trial in this matter.

Respectfully submitted this 18 day of September, 2009.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18 day of September, 2009, I caused to be served a true and correct copy of the foregoing Motion via prepaid, U.S. Mail, to the following:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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