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DEPARTMENT OF
WATER RESOURCES

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Attorney for Greg Obendorf

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	)	
	)	Subcase No. 63-21530
	)	
Case 39576	)	NOTICE OF CONDITIONAL
	)	WITHDRAWAL OF RESPONSE
	)	
	)	
	)	
	)	
	)	
	)	

COMES NOW Respondent Greg Obendorf ("Obendorf"), by and through undersigned counsel of record, and hereby conditionally withdraws his pending Response in the above-referenced Subcase. Pursuant to the Settlement Agreement filed with this Court on February 11, 2011, Obendorf's withdrawal of its Response in the above-referenced Subcase is **conditioned on** (*i.e.*, contingent upon) final IDWR approval of that Settlement Agreement.

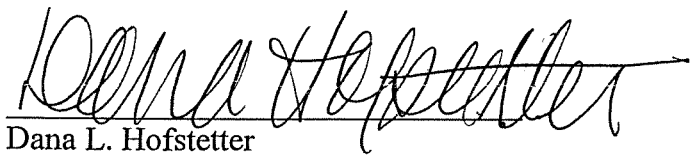
The Settlement Agreement contains various deadlines obligating the parties to take certain actions. Those obligations include Obendorf's withdrawal of its pending

Response in SRBA Subcase No. 63-21530. The Settlement Agreement obligates Obendorf to take this action by May 12, 2011. As noted above, the Settlement Agreement is subject to, among other things, final IDWR approval. While IDWR has informed the parties that it agrees with the terms of the Settlement Agreement in principle, the agency is still preparing the necessary Standard Form 5 ("SF5") documents which will constitute IDWR's official, final concurrence with the Settlement Agreement.

In balancing Obendorf's obligation under the Settlement Agreement to take action with respect to the above-captioned Subcase against IDWR's need for more time in which to finalize the pertinent SF5 documents, Obendorf files this Notice of Conditional Withdrawal of Response. Obendorf will file a subsequent and unconditional, Notice of Withdrawal of Response after the execution and filing of the Settlement Agreement-based SF5 settlement documents.

DATED this 12th day of May, 2011.

HOFSTETTER LAW OFFICE, LLC

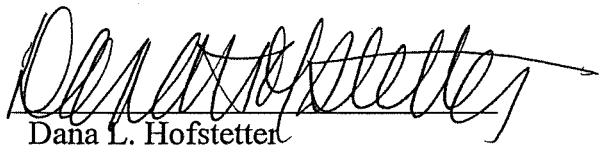

Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2011, I caused to be served a copy of the foregoing **Notice of Conditional Withdrawal of Response** on the following person(s) by the method(s) indicated below:

Scott Campbell/Andrew Waldera
Moffatt Thomas
101 South Capitol Boulevard, 10th Floor
P.O. Box 829
Boise, Idaho 83701-0829
☐ U.S. Mail ☐ FedEx Overnight ☐ Hand Delivery ☒ Fax

Director, Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
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