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Paul L. Arrington, ISB #7198
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RECEIVED
SEP 01 2011
DEPARTMENT OF
WATER RESOURCES

**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. **Exhibits A, B**
)
) **AFFIDAVIT OF SERVICE**
)
)
)
)
)

State of IDAHO)
) ss
County of Twin Falls)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and states as follows:

1. I make the following affidavit upon my personal knowledge of the facts and circumstances set forth herein below. I formerly served as counsel for the "Carmen Creek Users" in this matter.

2. On August 29, 2011 I received the Court's *Order Granting Leave to Withdraw as Attorney of Record* in the above referenced subcases.

MOTION TO WITHDRAW AS COUNSEL OF RECORD

3. On August 30, 2011 I caused to be served a copy of the Court's order by U.S.

Mail, postage prepaid, on all parties listed on the attached certificate.

DATED this 31st day of August, 2011.

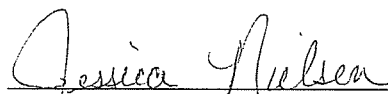
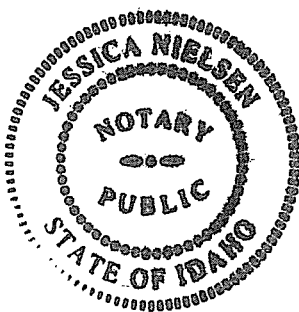


Travis L. Thompson

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 31 day of August, 2011, before me, a Notary Public for said County and State, personally appeared Travis L. Thompson, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls

My commission expires: 4/3/12

CERTIFICATE OF MAILING

I certify that on August 31st, 2011, I served the original and copies of the foregoing document to the following persons as indicated:

Original, hand delivery to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies, U.S. Mail, postage prepaid to:

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

Chief, Natural Resources
Office of Attorney General
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Boise, Idaho 83711-4449

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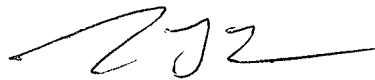
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P.O. Box 266
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Travis L. Thompson

EXHIBIT A

75-69M (HARLING)
75-70M (HARLING)
75-10061X (HARLING)
75-10062V (HARLING)
75-10061N (PILKERTON)
75-10062L (PILKERTON)
75-14019 (TUTOR)
75-14021(TUTOR)
75-14025 (TUTOR)
75-14027 (TUTOR)
75-14038 (EDGREN/BRADY)
75-14040 (EDGREN/BRADY)
75-14044 (EDGREN/BRADY)
75-14046 (EDGREN/BRADY)
75-14050 (FOLS)
75-14052 (FOLS)
75-14055 (MASCIA)
75-14056 (FOLS)
75-14057 (MASICA)
75-14058 (FOLS)

EXHIBIT B

75-2025F (HARLING)
75-14233 (HARLING)
75-2025D (PILKERTON)
75-14235 (PILKERTON)
75-14023 (TUTOR)
75-14029 (TUTOR)
75-14042 (EDGREN/BRADY)
75-14048 (EDGREN/BRADY)
75-14054 (FOLS)
75-14060 (FOLS)

AUG 29 2011

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
AUG 26 2011
By _____
Clerk
Deputy Clerk

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 75-69M, et al.
) (See Exhibits A & B attached)
) (Carmen Creek Users)
Case No. 39576)
) ORDER GRANTING LEAVE TO WITHDRAW
) AS ATTORNEY OF RECORD
_____)

Motion

On July 29, 2011, Travis L. Thompson and Paul L. Arrington, Barker Rosholt & Simpson LLP, filed a *Motion to Withdraw as Counsel of Record* for Albert and Alvera Fols, Charles and Mary Harling, A.C. and Luella Pilkerton, Lloyd and Sheryl Tutor, Jim Edgren and Jennifer Brady and Tracy Mascia ("collectively referred to as "Carmen Creek Users"). The *Motion* stated:

The Carmen Creek Users have requested counsel to withdraw as attorneys of record so that they may receive notice directly from the Court as to any further matters and complete any future work pro so [sic]. It is counsels' understanding that most of the water right claims on Exhibit A have already been partially decreed and there are no outstanding issues related to those claims. Accordingly, this motion is really a "housekeeping matter to assist the clients in their request. In addition, although the undersigned counsel have not represented the Carmen Creek Users as to the claims listed in Exhibit B, the motion and order authorizing withdrawal should cover those subcases as well, to avoid any confusion in the future (counsel have received notices from the Court on some matters relating to those subcases.

Since most of the water rights have already been partially decreed granting this motion will not prejudice any parties or cause any delay. Notice has been provided to all parties in this action including the Carmen Creek Users.

Hearing

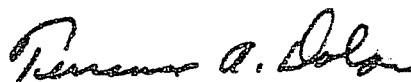
A hearing on the *Motion to Withdraw* was held by telephone conference on August 25, 2011. Albert and Alvera Fols appeared; Travis L. Thompson appeared; and Garrick L. Baxter appeared for IDWR. No one opposed the *Motion*; good cause has been shown; and there is no evidence such withdrawal will cause delay in determination and disposition of pending actions or impair the rights of the parties.¹

Order

THEREFORE, IT IS ORDERED that:

1. The *Motion to Withdraw* is **granted**;
2. Attorneys Travis L. Thompson and Paul L. Arrington shall forthwith, with due diligence, serve copies of this **Order** upon the Carmen Creek Users and all other parties to their pending subcases and shall file proof of service with the Court; and
3. If the Carmen Creek Users intend to pursue further action in their subcases, they shall file and serve an additional written appearance in those subcases in person, in writing or or through a newly appointed attorney with 20 days after service of this **Order**.

DATED August 26, 2011.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ Following the August 25, 2011 hearing, Mr. Thompson e-mailed the Court to add subcases 75-14055 and 75-14057 (Mascia) to Exhibit A. They were partially decreed on January 5, 2011.