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DEPARTMENT OF
WATER RESOURCES

Basin and Range Resource Company, LLC

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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

In Re SRBA

Case No. 39576

) Subcase Nos. 63-3182, 63-3308,
) 63-3583, 63-7177, 63-7349, 63-7533,
) 63-7903, 63-31839, 63-31840, 63-31841,
) 63-31842, 63-31854 and 63-31855
)
)

**MOTION TO VACATE AND
RESET TRIAL**

MOTION

Basin and Range Resource Company, LLC ("Basin and Range"), by and through its counsel of record, Hofstetter Law Office, LLC, hereby moves, pursuant to I.R.C.P. Rule 6 6(b) and 7(b)(1) and SRBA Administrative Order 1, to vacate and reset the trial in this matter currently scheduled for December 4, 2012. This Motion is supported by the Memorandum

below, the contemporaneously filed Affidavit of Dana L. Hofstetter and the record. Oral Argument is requested.

MEMORANDUM

As a result of the June 26, 2012, amended approval of Transfer No. 77052, IDWR filed NCAPs in these Subcases (except for 63-7533) on or about August 23, 2012. Also, an NCAP was filed in Subcase 63-7533 on or about August 23, 2012, because a previous transfer approval was rescinded. Basin and Range, the Claimant in these Subcases, subsequently filed Objections as to specific elements of the NCAPs. Jan Shurte is the Idaho Department of Water Resources ("IDWR") agent assigned to these subcases. Affidavit of Dana L. Hofstetter. For personal reasons, Ms. Shurte has been on extended leave from IDWR and has not been available to resolve the objected to matters and prepare proposed Standard Form 5's in these Subcases. *Id.* Settlement of most, if not all, of these matters is likely. *Id.* In view of Ms. Shurte's leave, the current trial setting of December 4, 2012 does not appear to offer sufficient time to explore possible settlement. *Id.*

CONCLUSION

For the reasons stated above, this Motion to Vacate and Reset Trial should be granted.

RESPECTFULLY SUBMITTED this 30th day of October, 2012.

HOFSTETTER LAW OFFICE, LLC

By 
Dana L. Hofstetter

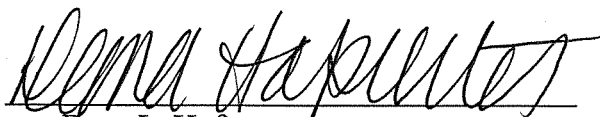
CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2012, I caused to be served copies of the foregoing **Motion to Vacate and Reset Trial** by the methods indicated below:

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Dana L. Hofstetter