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JAN 30 1996

Department of Water Resources

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

10 In Re SRBA

Subcase Nos. 34-00074
and 34-02464

11 Case No. 39576

**MOTION TO VACATE
AND RESET TRIAL SETTING**

12 **DESCRIPTIVE SUMMARY**

13 This document is motion to vacate and reset the trial setting for water right numbers 34-00074
14 and 34-02464.

15 **MOTION**

16 Claimants, by counsel, request this court to vacate the trial setting in this Subcase.

17 AS GROUNDS IN SUPPORT, Claimants state:

18 1. Trial in this Subcase is set for April 4, 1996. The deadline to file dispositive motions is
19 February 5, 1996.

20 2. After considering IDWR's final offer, it appears the key issue in trial will be regulation of
21 maximum daily flow.

22 3. The Amended General Provisions for Basin 34, at ¶ 6(c) provide for diversion of
23 additional flows to assist in rotating water rights. If this provision is upheld, issues to be tried in this
24 Subcase will be greatly reduced.

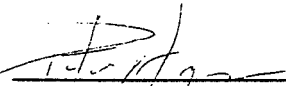
25 4. Going forward with the current trial setting will result in duplication and waste of judicial
26 resources as the Court's ruling in Basin-Wide Issue No. 5 concerns the same issues.

27 5. No party will be prejudiced by granting this motion.

28 Counsel does not request oral argument

1 WHEREFORE, Claimants request this Court to vacate the current trial date in this Subcase and
2 set a scheduling conference on or about March 13, 1996.

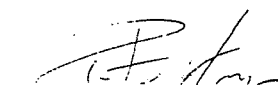
3 Dated this 29 day of January, 1996

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5 
6 PETER J. AMPE
Attorney for Claimant

7 CERTIFICATE OF SERVICE

8 I, PETER J. AMPE, hereby certify that on the 29 day of January, 1996, I served a courtesy
9 copy of the foregoing document by placing a true and correct copy in the United States mail, first class
postage pre-paid, and addressed as follows:

10 Matt J. Howard
11 Department of Water Resources
12 1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

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15 PETER J. AMPE
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