

COPY

Movant's Name:

Billingsley Creek Ranch
and Donnie McFadden

Attorney's Name and Address:

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700
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RECEIVED

MAY 17 1996

MAY 20 1996

OFFICE OF THE
ATTORNEY GENERAL

Department of Water Resources
Adjudication Bureau

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 No. 36-07071

NOTICE OF CONTINGENT WITHDRAWAL
OF MOTION TO FILE LATE OBJECTION

DESCRIPTIVE SUMMARY

Billingsley Creek Ranch and Donnie McFadden (hereinafter "BCR") previously filed a Motion to File Late Objection to Water Right Claim No. 36-07071 filed by John W. Jones, Jr. (hereinafter "Jones"). The parties have submitted SF5s regarding BCR's water rights claims, and if approved by this court, the dispute of the parties is resolved.

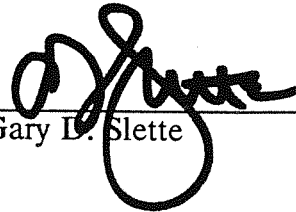
NOTICE OF CONTINGENT WITHDRAWAL

COMES NOW BCR, by and through its attorney of record, and gives notice of the contingent withdrawal of its Motion to File Late Objection in the above-numbered matter. This withdrawal is contingent upon the court issuing its partial decree consistent with the terms of the SF5s heretofore filed with the court regarding BCR's Water Rights numbered 36-15462, 36-11060 and 36-00046.

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DATED this 15 day of May, 1996.

ROSHOLT, ROBERTSON & TUCKER

By: 
Gary D. Slette

1 CERTIFICATE OF MAILING FOR EXPEDITED HEARINGS

2 I hereby certify that on this 16 day of May, 1996, I served a copy of the
3 foregoing NOTICE OF CONTINGENT WITHDRAWAL OF MOTION TO FILE LATE
4 OBJECTION, by depositing same in the United States mail, postage prepaid, in an
5 envelope, addressed to the following:
6

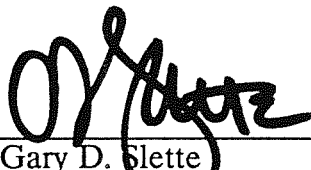
7 Chief, Natural Resources Division
8 Office of the Attorney General
9 State of Idaho
10 P.O. Box 44449
11 Boise, Idaho 83711-4449

12 United States Department of Justice
13 Environment & Natural Resources
14 Division
15 550 West Fort Street, MSC 033
16 Boise, Idaho 83724

17 Patrick D. Brown
18 Hepworth, Lezamiz & Hohnhorst
19 P.O. Box 389
20 Twin Falls, Idaho 83303-0389

21 Court Certificate of Mailing As Of 12/18/95

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Gary D. Slette