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DEPARTMENT OF
WATER RESOURCES

Robert L. Harris (ISB # 7018)
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Attorneys for F. James & Paula J. Whittaker.

**IN AND FOR THE DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO**

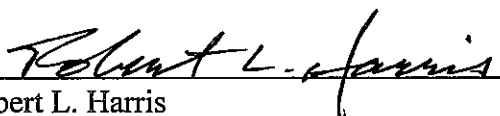
IN THE MATTER OF APPLICATION TO
RENT WATER FROM THE WATER
SUPPLY BANK, NOS. 74-2320 AND 74-
15190, IN THE NAME OF THE IDAHO
WATER RESOURCE BOARD

Nos. 74-2320 and 74-15190

**MOTION TO VACATE HEARING SET
FOR MAY 13, 2009**

James Whittaker (hereinafter "Whittaker") by and through counsel of record, Robert L. Harris of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, hereby requests that the hearing set for the above entitled matter for May 13, 2009, be vacated. This motion is supported by the Affidavit of Robert L. Harris filed herewith.

Dated this 1st day of May, 2009.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 14th day of May, 2009.

**DOCUMENT SERVED: MOTION TO VACATE HEARING SET
FOR MAY 13, 2009**

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Gary Spackman
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

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Harriet A. Hensley
Deputy Attorney General
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Boise, ID 83720-0010

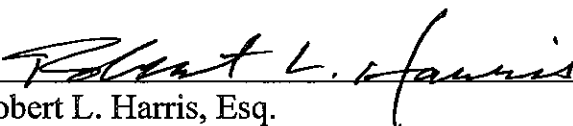
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