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Attorneys for Claimants/Objectors

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 36-10090, 36-10863A,
	)	36-15264A, 36-15264B
Case No. 39576,	)	
	)	<u>MOTION TO VACATE THE</u>
	)	<u>CHALLENGE SCHEDULING</u>
	)	<u>ORDER DATED FEBRUARY</u>
	)	<u>12, 2004 AND TO CONSOLIDATE</u>
	)	<u>SUBCASES</u>

COME NOW the Claimants/Challengers, North Ridge LLC, Owhyee Ranches, Inc., Blaine Cook, Deon Cook, Bruce Hunsaker, and Rebecca Hunsaker, by and through their attorneys of record Parsons, Smith & Stone, LLP, hereby move this Court to vacate the Challenge Scheduling Order dated February 12, 2004, and to consolidate the above-described Subcases with Subcases 36-10033, 36-10035, 36-10037, 36-11643, 36-16123, 36-16124, 36-15152, and 36-15356A.

The grounds for this motion include:

1. Claimants' counsel was not served a copy of the Challenge Scheduling

1 Order until March 4, 2004.

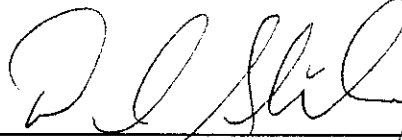
2 2. Claimants filed a Renewed Notice of Challenge pursuant to the Order
3 Denying Motions to Alter or Amend Amended Special Master's Report and
4 Recommendation dated March 4, 2004.

5 3. Common issues of law and fact present themselves in all Subcases
6 proposed to be consolidated.

7 Oral argument is requested.

8 DATED this 10 day of March, 2004.

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10 PARSONS, SMITH & STONE, LLP

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12
13 David F. Shirley
14 Attorney for Claimants/Objectors
15 P.O. Box 910
16 Burley, ID 83318

17 **CERTIFICATE OF MAILING**

18 I hereby certify that on the 10 day of March, 2004, I served a true and correct
19 copy of the MOTION TO VACATE THE CHALLENGE SCHEDULING ORDER
20 DATED FEBRUARY 12, 2004 AND TO CONSOLIDATE SUBCASES, upon:

21 Director of IDWR
22 PO Box 83720
23 Boise ID 83720-0098

24 Clive Strong
25 Chief, Natural Resources Division
26 Ag Office of Attorney General State of Idaho
PO Box 44449
Boise ID 83711-4449

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

1 Jeffery C. Fereday, Esq
2 GIVENS PURSLEY, LLP
3 Attorneys at Law
4 PO Box 2720
5 Boise ID 83701-2720

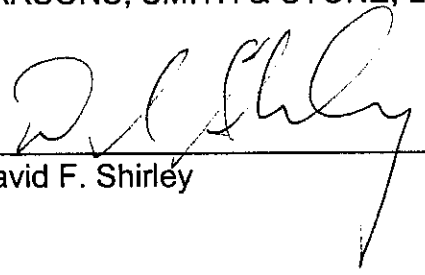
6 Jason Walker
7 LING & ROBINSON
8 PO Box 396
9 Rupert ID 83350

10 Daniel L. Willie
11 1017 South 1150 East
12 Eden ID 83325

13 USDI Bureau of Reclamation
14 Regional Director PN Region
15 1150 North Curtis Road
16 Boise ID 83706-1234

17 by depositing copies thereof in the United States mail, postage prepaid, in envelopes
18 addressed to said parties at the foregoing addresses.

19 PARSONS, SMITH & STONE, LLP

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21 _____
22 David F. Shirley
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