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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 51-02002, <i>et al.</i> (Riddle
	) Ranches,
Case No. 39576	) Inc.) and Consolidated Subcase 51-12756
	) (US / Shoshone-Paiute Tribes)
	)
	) ORDER SETTING STATUS
	) CONFERENCE ON CLAIMS
	) SET FOR TRIAL AND SCHEDULING
	) CONFERENCE, IF NECESSARY

Trial on the above claims is set to begin on January 13, 2005, at the SRBA Courthouse in Twin Falls, Idaho. See *Order Partially Granting Joint Motion for Additional Interim 90-Day Suspension of Trial Schedule Order*, dated March 3, 2004. The claims now set for trial include claims filed by Riddle Ranches, Inc., and Nancy and Peter Jackson in Basins 51 and 55 ("51-02002, *et al.*") and instream flow, non-consumptive use claims filed by the United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation ("Consolidated Subcase 51-12756").

On May 4 and 5, 2004, the Special Master entered two *Orders Re: US / Shoshone-Paiute Tribes Consumptive Use Claims* seeking comments from the parties whether 356 consumptive use claims filed by the United States, on behalf of the Tribes, should be tried along with the instream flow, non-consumptive use claims already set for trial.

On May 21, 2004, the United States and the Tribes filed their *Joint Response to Three Orders Re: US / Shoshone-Paiute Tribes Consumptive Use Claims*.¹ They did not object to the United States and Tribes' consumptive and non-consumptive use claims ("Duck Valley claims") being tried together. However, they felt that such a trial should not include the non-federal, non-

¹ One of the three *Orders*, entitled *Order to Amend Claimant Record*, dated May 4, 2004, was entered in subcase 55-13817 merely to correct a claimant data entry error on the SRBA Court's Register of Action ("ROA").

tribal Riddle Ranch claims. The United States and the Tribes then pointed out that the Court's lists require updates:

 Instream flow, non-consumptive use subcases ("consolidated subcase 51-12756")

 51-12761 – withdrawn

 4 additional claims through 1998 amendments (?)

 Consumptive use subcases:

 51-12603 – add ²

 51-12847 – add

 51-12848 – add

 51-12899 – add

 55-13668 – add

 55-13669 – add

 55-13822 – add

On May 21, 2004, the State of Idaho filed its *Objection to Addition of 280 Consumptive Use Claims and 76 Consumptive Use Claims to Matters Tried on January 13, 2005*. The State argued:

While the District Court in an order entered over eight years ago stated that the consumptive claims would be tried with the non-consumptive use claims,³ the district court did not follow through on that statement when it set the present trial schedule on May 17, 2002. The addition at the last moment of the 356 consumptive use claims . . . will severely prejudice the State's ability to effectively participate in the trial of these claims.

The State then requested a conference to set a schedule for litigation of those 356 consumptive use claims.

THEREFORE, IT IS ORDERED that a status conference shall be held on **Friday, June 25, 2004, at 10:00 a.m.**, at the SRBA Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, for the purposes of determining:

² Subcase 51-12603 is an instream stockwater right partially decreed to the USDI / BLM on April 10, 2000.

³ On April 1, 1996, former-Presiding Judge Daniel C. Hurlbutt, Jr., entered an *Amended Case Management Order: Federal and Tribal Non-Consumptive (Instream Flow) Claims*, Case No. 39576. Judge Hurlbutt first ordered that all instream flow claims filed by the United States as trustee for the benefit of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation be consolidated. Then, he stayed all litigation activity on the Duck Valley claims, other than discovery, until the consumptive claims are reported. Finally, Judge Hurlbutt ordered: "When the stay is lifted, the non-consumptive use claims for the Duck Valley Reservation shall be litigated with the Duck Valley Claims (consumptive use claims)." *Amended Case Management Order*, at 6.

1. Whether the Duck Valley consumptive use claims should be tried with the Duck Valley instream flow, non-consumptive use claims;
2. Whether the Riddle Ranch / Jackson claims should be tried with the Duck Valley claims; and
3. Whether the attached Exhibits A through D accurately and completely describe the Riddle Ranch / Jackson claims and the Duck Valley claims (both consumptive use and instream flow, non-consumptive use claims).

Note: Telephone participation will be allowed. To ensure a quality tape recording, parties may participate in the telephone conference only if they do not use speaker phones.

DATED May 27, 2004.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

EXHIBIT A (Subcases 51-02002, *et al.*)

Riddle Ranches, Inc. / Nancy and Peter Jackson

51-02002

51-10293

55-02009

55-02016

55-02032

55-02035

55-02039

55-02063

55-02064

55-02076

55-02080

55-02129

55-02131

55-02169

55-02174

55-02175

55-02181

55-02210

55-02211

55-02435

55-07002

55-07009

55-13479

55-13480

EXHIBIT B (Consolidated Subcase 51-12756)

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Non-Consumptive Use, Instream Flow Claims

51-12756

~~51-12761~~ withdrawn (see US and Tribes' May 21, 2004 *Joint Response*, at 4)

55-13476

55-13477

55-13485

55-13486

55-13487

4 additional claims through 1998 amendments - subcase numbers not disclosed (see US and Tribes' May 21, 2004 *Joint Response*, at 4)

EXHIBIT C

United States of America, as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Consumptive Use Claims

51-12604	51-12783	51-12803	51-12866
51-12605	51-12784	51-12847*	51-12867
51-12606	51-12785	51-12848*	51-12868
51-12607	51-12786	51-12849	51-12869
51-12767	51-12787	51-12850	51-12870
51-12768	51-12788	51-12851	51-12871
51-12769	51-12789	51-12852	51-12872
51-12770	51-12790	51-12853	51-12873
51-12771	51-12791	51-12854	51-12874
51-12772	51-12792	51-12855	51-12875
51-12773	51-12793	51-12856	51-12876
51-12774	51-12794	51-12857	51-12877
51-12775	51-12795	51-12858	51-12878
51-12776	51-12796	51-12859	51-12879
51-12777	51-12797	51-12860	51-12880
51-12778	51-12798	51-12861	51-12881
51-12779	51-12799	51-12862	51-12882
51-12780	51-12800	51-12863	51-12883
51-12781	51-12801	51-12864	51-12899**
51-12782	51-12802	51-12865	

* Subcases 51-12847 and 51-12848 were added per US and Tribes' May 21, 2004 *Joint Response*, at 4.

** Subcase 51-12899 was added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcase is not a claim, but merely a subcase created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55), Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.

EXHIBIT D (2 pages)

United States of America as trustee on behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Consumptive Use Claims

55-13491	55-13538	55-13576	55-13619	55-13691	55-13729
55-13492	55-13539	55-13577	55-13620	55-13692	55-13730
55-13493	55-13540	55-13578	55-13621	55-13693	55-13731
55-13494	55-13541	55-13579	55-13622	55-13694	55-13732
55-13495	55-13542	55-13580	55-13623	55-13695	55-13733
55-13496	55-13543	55-13581	55-13624	55-13696	55-13734
55-13499	55-13544	55-13582	55-13625	55-13697	55-13735
55-13500	55-13545	55-13583	55-13626	55-13698	55-13736
55-13501	55-13546	55-13584	55-13627	55-13699	55-13737
55-13506	55-13547	55-13585	55-13628	55-13700	55-13738
55-13507	55-13548	55-13586	55-13629	55-13701	55-13739
55-13508	55-13549	55-13587	55-13630	55-13702	55-13740
55-13509	55-13550	55-13588	55-13631	55-13703	55-13741
55-13510	55-13551	55-13589	55-13632	55-13704	55-13742
55-13511	55-13552	55-13590	55-13633	55-13705	55-13743
55-13512	55-13553	55-13591	55-13634	55-13706	55-13744
55-13514	55-13554	55-13592	55-13635	55-13707	55-13745
55-13515	55-13555	55-13593	55-13636	55-13708	55-13746
55-13518	55-13556	55-13594	55-13637	55-13709	55-13747
55-13519	55-13557	55-13595	55-13638	55-13710	55-13748
55-13520	55-13558	55-13596	55-13639	55-13711	55-13749
55-13521	55-13559	55-13597	55-13640	55-13712	55-13750
55-13522	55-13560	55-13598	55-13641	55-13713	55-13751
55-13523	55-13561	55-13599	55-13642	55-13714	55-13752
55-13524	55-13562	55-13600	55-13643	55-13715	55-13753
55-13525	55-13563	55-13601	55-13644	55-13716	55-13754
55-13526	55-13564	55-13602	55-13645	55-13717	55-13755
55-13527	55-13565	55-13608	55-13646	55-13718	55-13756
55-13528	55-13566	55-13609	55-13647	55-13719	55-13757
55-13529	55-13567	55-13610	55-13648	55-13720	55-13758
55-13530	55-13568	55-13611	55-13649	55-13721	55-13759
55-13531	55-13569	55-13612	55-13650	55-13722	55-13760
55-13532	55-13570	55-13613	55-13651	55-13723	55-13761
55-13533	55-13571	55-13614	55-13652	55-13724	55-13762
55-13534	55-13572	55-13615	55-13653	55-13725	55-13763
55-13535	55-13573	55-13616	55-13654	55-13726	55-13764
55-13536	55-13574	55-13617	55-13668*	55-13727	55-13765
55-13537	55-13575	55-13618	55-13669*	55-13728	55-13766

* Subcases 55-13668 and 55-13669 were added per US and Tribes' May 21, 2004 *Joint Response*, at 4.

55-13767	55-13808
55-13768	55-13809
55-13769	55-13810
55-13770	55-13811
55-13771	55-13812
55-13772	55-13813
55-13773	55-13814
55-13774	55-13815
55-13775	55-13816
55-13776	55-13817
55-13777	55-13818
55-13778	55-13819
55-13779	55-13820
55-13780	55-13822**
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55-13799	
55-13800	
55-13801	
55-13802	
55-13803	
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55-13805	
55-13806	
55-13807	

** Subcase 55-13822 was added per US and Tribes' May 21, 2004 *Joint Response*, at 3. The subcase is not a claim, but merely a subcase created by former-Special Master Fritz X. Haemmerle's March 8, 1999 *Order Clarifying Director's Report*, subcases 51-12899 and 55-13822, for purposes of recording objections to the first 4 pages of the *Director's Report, Irrigation and Other Uses, Reporting Area 6 (IDWR Basins 51 & 55), Federal Reserved Water Rights filed on behalf of the Shoshone-Paiute Tribes*, filed November 24, 1998.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING STATUS CONFERENCE ON CLAIMS SET FOR TRIAL AND SCHEDULING CONFERENCE, IF NECESSARY** was mailed on May 27, 2004, with sufficient first-class postage to the following:

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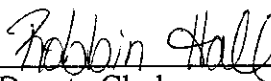
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