

2004 AUG 25 PM 4: 32

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

**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: See Exhibit A Attached

Case No. 39576

ORDER SETTING INITIAL HEARINGS

**I.
PROCEDURE**

- A. The above-captioned subcases were originally assigned to Special Master Thomas Cushman pursuant to an Order of reference. This Court has rescinded the Order of Reference. Initial hearings have never been held for these subcases.
- B. All of the subcases involve objections filed by the United States Bureau of Reclamation and the Boise Project Board of Control to the recommended period of use for each water right claim. Although the objections are identical, each subcase is fact specific as concerns the period of use.
- C. At a status conference held before this Court on August 17, 2004, it was represented that the Bureau of Reclamation and the Board of Control had offered a proposed settlement to their objections, but it was not clear whether all claimants had the opportunity to review the proposal.

**II.
ORDER**

Therefore, THE FOLLOWING ARE ORDERED:

- A. **Service of Proposed Settlement:** The Bureau of Reclamation and the Board of Control shall serve copies of the proposed settlement on all claimants in the above-captioned subcases **no later than September 20, 2004.**
- B. **Review of Proposed Settlement:** All claimants shall review or have reviewed by counsel the proposed settlement prior to the date set for the Initial Hearing.

C. **Initial Hearings:** The Initial Hearings for all subcases shall proceed as follows. Because of the number of subcases, the hearings will be conducted over a two-day period. Each day will begin with an informal question and answer period where the claimants will have the opportunity to meet with counsel for the Bureau of Reclamation, the Board of Control and IDWR personnel for the purpose having questions answered regarding the proposal and discussing settlement. Claimants with subcases set for hearing on that day will need to attend the question and answer period set for that morning. Thereafter, the hearings will proceed in ten (10) minute intervals for purposes of either notifying the Court of a resolution or, alternatively, setting the matter for trial. Any matter where a Standard Form 5 is not filed will be set for trial; however, Standard Forms 5 received prior to the time and date set for trial will result in the trial being vacated.

D. **Mandatory Attendance.** All parties are required to attend in person or through counsel. Telephone participation is not available. Failure to attend may result in the matter being automatically set for trial in claimant's absence.

E. **Initial Hearing/Scheduling Conferences are set as follows:**

September 28, 2004, Idaho Supreme Court Building, 200 West Front Street, Boise, Idaho

10:00 – 11:30 Question/Answer/Discussion Period for claimant with subcases set as follows:

F. **Tentative Trial Dates.** Trial dates are tentatively set during the time periods December 1-23, 2004 and February 1-18, 2005. Trials will be held at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho, and telephone participation will not be available. Prior to these Initial Hearings, all parties should check their calendars for unavailable dates during these two time periods. For those subcases proceeding to trial, specific trial dates will be confirmed before the close of your initial hearing.

Time	Claimant	Subcases number(s)
1:30	Ranch Subdivision Property Owners Assoc	63-318A
1:40	Barry Marcus	63-31074, 15677
1:50	Larry and Alda Smith	63-19A
2:00	Chapman Ranch LLC	63-5108, 2472, 15684
2:10	Osprey Land Co	63-5334, 5332

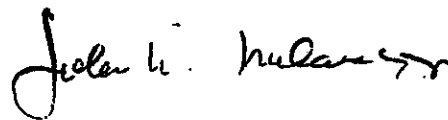
2:20	Boise Holcomb Inc Co-claimant Hide Assoc Partnership	63-31173
2:30	Maurice Brown	63-15427
2:40	Wilda Bradley	63-15409, 4731
2:50	Allan & Virginia Cafferty	63-3422B
3:00	Michael & Connie Claus	63-31397, 4636
3:10	Steven Cummings	63-30310, 15101
3:20	Highland Land & Livestock	63-2037
3:30	Treva Hunt	63-31174
3:40	Alan Johnson	63-3447C
3:50	Barbara Little	63-7207
4:00	Stephen & Paula Lewis	63-318C
4:10	LG Davison & Sons Inc	63-97

September 29, 2004, Idaho Supreme Court Building, 200 West Front Street, Boise, Idaho
9:00 – 10:30 Question/Answer/Discussion Period for claimant with subcases set as follows.

Time	Claimant	Subcase Number(s)
10:40	Hilda Larson and James Bryant	63-2026
10:50	Rex Lanham	63-15373, 31317, 5167, 2171, 5235, 3540, 31380
11:00	Marilyn Dawson & Marvenna Hodgins	63-7613D
11:10	Dirk Marcum	63-378
11:20	Walter & Sara Nichols	63-4810
11:30	Walter & Thelma Nichols	63-31289, 7529
11:40	Lawrence & Sheila Poisson	63-7984B
11:50	Michael & Tami Perry	63-31328
1:30	William & Mary Lou Pote and Jan Blum	63-5250, 5251, 3422A
1:40	David & Lynae Steadman	63-5192
1:50	James & Joan Stephens	63-3447D

2:00	Philip & Rosemary Swanstrum	63-19B
2:10	Richard Stull & Gail Richardson	63-317B
2:20	Sterling & Debbie Turner	63-5161C
2:30	David & Jill Wrublik	63-8624
2:40	Dwaine & Lizabeth Wright	63-5161B
2:50	Wade Woolery	63-320A

DATED August 25, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER SETTING INITIAL HEARING/ SCHEDULING CONFERENCE** was mailed on August 25, 2004, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Highland Land & Livestock
P O Box 488
Emmett, Idaho 83617

Ranch Subdivision Property
32 Burnett Dr
Boise, Idaho 83716

Boise Project Board of Control
Albert Barker
P O Box 2139
Boise, Idaho 83701-2139

Barry Marcus
737 N 7th Street
Boise, Idaho 83702

Stephen & Paula Lewis
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Boise, Idaho 83711-4002

Marilyn Dawson & Marvenna Hodgins
P O box 6466
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Boise, Idaho 83716

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Boise, Idaho 83716

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Richland, WA 99352

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Boise, Idaho 83712

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Prairie, Idaho 83647

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Boise, Idaho 83705

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Boise, Idaho 83716

Jan Blum & William & Mary Lou Pote
27 Idaho City Stage Rd
Boise, Idaho 83716

Philip & Rosemary Swanstrum
2708 Columbus
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Hilda Larson
3015 Silver St
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Lawrence & Sheila Poisson
3193 hwy 21
Idaho City, Idaho 83716

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328 Robie Creek Rd
Boise, Idaho 83716

Wilda Bradley
33 Wild Rose Lane
Boise, Idaho 83716

Alan Johnson
3929 Overland Rd #840
Boise, Idaho 83715

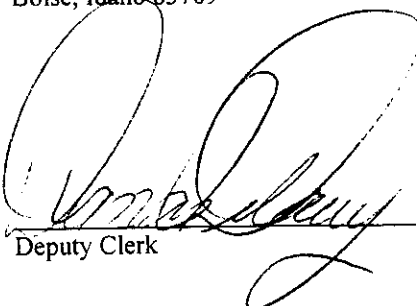
James & Joan Stephens
3939 S Transport
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Dwaine & Lizabeth Wright
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Boise, Idaho 83716

Steven D Cummings
545 Robie Creek
Boise, Idaho 83716

Treva Hunt
8415 W Creekrum Way
Boise, Idaho 83714

David & Lynae Steadman
8873 Ottawa Ct
Boise, Idaho 83709



Deputy Clerk

BASIN 63 SEASON OF USE OBJECTION CASES

Subcase Nos:

63-00019A
63-00019B
63-00097
63-00317B
63-00318A
63-00318C
63-00320A
63-00378
63-02026
63-02037
63-02171
63-02472
63-03422A
63-03422B
63-03447C
63-03447D
63-03540
63-04636
63-04731
63-04810
63-05108
63-05161B
63-05161C
63-05167
63-05192
63-05235
63-05250
63-05251
63-05332
63-05334
63-07207
63-07529
63-07613D
63-07984B
63-08624
63-15101
63-15373
63-15409
63-15427
63-15677
63-15684
63-30310
63-31074
63-31173
63-31174
63-31289
63-31317
63-31328
63-31380
63-31397

(Subcase list: B63SEASON)
8/25/04