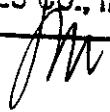


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2004 SEP 17 PM 4:51
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED 

In Re SRBA

Case No. 39576

)
)
) **ORDER VACATING HEARING**
) **And**
) **ORDER SETTING EVIDENTIARY**
) **HEARING**

) **For water right: 65-20035**

The above water right was claimed as a dual-based right, meaning it was claimed on both a state-based, beneficial use basis and a Federal Reserve water right basis.

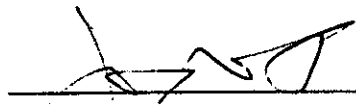
On July 21, 2004, the Court set the above-captioned subcase for a September 21, 2004 status conference. As part of the *Order Setting Deadline for Filing SF-5 and Setting Status Conference*, the Court stated that the status conference would be vacated if a *Standard Form 5* was submitted prior to the date of the status conference. A *Standard Form 5/Amended Claim* was filed on July 23, 2004.

The *SF5* was signed by the Claimant and the Objector, and the state-law portion of the claim was concurred with by the Idaho Department of Water Resources. The *SF5* amended the legal descriptions for the claim, but still contained a dual-basis for the claim.

Therefore, IT IS ORDERED, that the status conference set for the above subcase at 1:30 p.m. on September 21, 2004 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave N., Twin Falls, Idaho is **VACATED**.

IT IS FURTHER ORDERED that an evidentiary hearing, pursuant to I.C. 42-1411(A)(12) is set for 1:30 p.m. on Tuesday, October 19th, 2004, at the Snake River Basin Adjudication Courthouse, 253 3rd Ave N. Twin Falls, Idaho. An affidavit of Robert R. Mallis was filed to this right on July 31, 2003. Any further affidavits in support of this claim are due on or before October 14th, 2004.

Dated September 17th, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING HEARING AND ORDER SETTING EVIDENTIARY HEARING was mailed on September 17, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".