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Department of Water Resources 2002 JUL 16 PM 2: 58

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

Subcase 43-10957, et al.

(see attached list)

Case No. 39576

2nd AMENDED SCHEDULING ORDER

A scheduling conference was held by telephone on April 2, 2002. Larry A. Brown appeared for claimant the United States of America, Department of the Interior, Bureau of Land Management; David J. Barber appeared for objector, State of Idaho; and Nicholas B. Spencer appeared for IDWR, along with Roxanne Brown. The parties agreed on a schedule for dispositive motions.

A *Scheduling Order* was issued by the Special Master on April 2, 2002, and an *Amended Scheduling Order* was entered on April 3, 2002. Since that time, the United States has filed for summary judgment in and the State of Idaho has cross-filed for summary judgment in PWR 107 subcases 21-12003, *et al.* These motions are set for hearing before Special Master Thomas R. Cushman on July 19, 2002, and have the potential for affecting dispositive motions in the instant subcases.

On June 19, 2002, Special Master Brigitte A. Bilyeu issued an *Amended Trial Scheduling Order* in PWR 107 subcases in basin 37 (37-14346, *et al.*), moving all dates to early 2003, in order to allow ample time to address and resolve the PWR 107 issues before Special Master Cushman and assess the significance of the Special Master's decision on those issues as regards the PWR 107 issued in Basin 37 prior to moving forward on the Basin 37 subcases. Since Special Master Cushman's decision could likewise have a bearing on the PWR 107 subcases in Basin 43, it is reasonable to amend the schedule of proceedings in these subcases as well and await the outcome of the summary judgment proceedings before moving forward on the issues of the subcases in Basin 43.

THEREFORE, IT IS ORDERED that the following schedule shall govern the conduct of proceedings through the hearing on dispositive motions:

Friday, February 28, 2003, 5:00 p.m. Discovery cut-off; discovery shall be complete.

Friday, March 14, 2003, 5:00 p.m. Deadline to file dispositive motions.

Friday, April 11, 2003, 5:00 p.m. Deadline to file responses to dispositive motions.

Friday, April 25, 2003, 5:00 p.m. Deadline to file replies to responses to dispositive motions.

**Thursday, May 15, 2003,
10:00 a.m.**

Hearing on dispositive motions, if required:

SRBA Courthouse
253 3rd Avenue North
Twin Falls, Idaho.

Dated July 16, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

43-10957
43-10997
43-11005
43-11052
43-11054
43-11056
43-11058
43-11069
43-11071
43-11158
43-11160
43-11166
43-11172

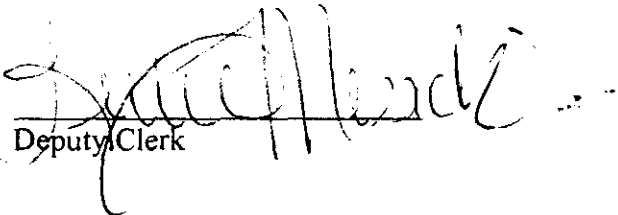
CERTIFICATE OF MAILING

I certify that a true and correct copy of the 2nd AMENDED SCHEDULING ORDER was mailed on July 16, 2002, with sufficient first-class postage to the following:

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Deputy Clerk