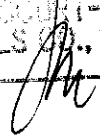


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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

**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

Case No. 39576

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ORDER SETTING HEARING

FOR WATER RIGHT: 55-13111

I.

Procedural Background.

The above-captioned water right was claimed by the United States, Department of Interior, Bureau of Land Management (United States) as a dual-based stockwater right, meaning the right was claimed as a federal reserved water right pursuant to Public Water Reserve (PWR) 107 and alternatively as a state-law based right. The Idaho Department of Water Resources reported the state and federal claims in a *Director's Report*. An Objection was filed by the State of Idaho (Idaho).

On July 31, 2003 an *Affidavit of Robert R. Mallis* was filed in conjunction with a December 11, 2003 42-1411A(12) hearing before Special Master Thomas Cushman.

On June 10, 2004 a *SF5/ Amended Claim* was submitted, which stated that the right was dual based with a June 28, 1934 state-based priority date and a PWR 107 priority date of April 17, 192, and corrected an error in the legal description for the right. No objections were filed to the *SF5*. The Court rescinded the *Order of Reference to Thomas R. Cushman* for the above right.

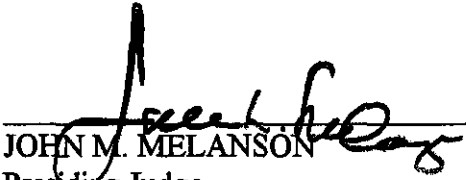
II.

LC. 42-1411A(12) Hearing

It appears from the earlier proceedings and the file that all objections and responses have been resolved.

Therefore, IT IS ORDERED, that a **42-1411A(12) hearing be set for 1:30 p.m. on December 21, 2004 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave North, Twin Falls, Idaho.** Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted. The purpose of the Status Conference will be to hold a hearing in accordance with 42-1411A(12). It appears that affidavits have been filed in the above subcase. If any further affidavits are necessary, such shall be filed by December 15, 2004.

DATED: November 23, 2004



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING was mailed on November 23, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
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Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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DIRECTOR OF IDWR

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ORDER

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Deputy Clerk