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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2005 AUG 11 PM 3 16

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 55-02414, 55-07319, 55-07383,
Case No. 39576) 55-07410, 55-07413, 55-07420 and 55-
11890
) (USDI/BLM)
) and
) Subcase 55-13450
) (LU Ranching Co., Inc., Jeff Anderson
) Estate, Inc., and Stanford)
)
) ORDER GRANTING LU
) RANCHING'S MOTION TO FILE
) AMENDED NOTICE OF CLAIM
) 55-13450 and
) ORDER VACATING TRIAL
) SCHEDULE ORDER

On May 31, 2005, LU Ranching Co., Inc., *et al.*, filed their *Motion to File Amended Notice of Claim* in subcase 55-13450 to add three points of diversion and places of use. They alleged:

It was recently discovered that three livestock watering sources were inadvertently omitted from the Motion to file an Amended Notice of Claim filed . . . on 3/29/01. . . . This amendment does not significantly alter the original claim and is filed for the sake of completeness.

On July 5, 2005, the United States filed its *Unopposed Motion to Vacate Trial Date and Stay Trial; in the Alternative, to Amend the Trial Schedule*. It sought relief because, "Vacating the trial date and staying trial of the above-captioned subcases pending a decision by the Idaho Supreme Court on whether the District Court erred in awarding LU a July 1, 1937 priority date in subcases 55-10303B and 55-13451 would conserve judicial resources and narrow the issues for trial." The United States also said that opposing counsel does not object.

A hearing on the above two *Motions*, plus the United State's *Motion for Summary Judgment* filed on May 10, 2005, in subcases 55-02414, 55-07319, 55-07383, 55-07410, 55-07413 and 55-07420, was held by telephone on July 14, 2005. Larry A. Brown appeared for the United States; Elizabeth P. Ewens and Roger D. Ling appeared for LU Ranching, Jeff Anderson Estate and Michael E. Stanford; and Chris M. Bromley appeared for IDWR. The United States did not oppose LU Ranching's *Motion to File Amended Notice of Claim* in subcase 55-13450.

THEREFORE, IT IS ORDERED that:

1. LU Ranching's *Motion to File Amended Notice of Claim* in subcase 55-13450 is **granted**, and
2. The 3rd *Amended Trial Schedule Order*, entered June 6, 2005, is **vacated**.

DATED August 11, 2005.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING LU RANCHING'S MOTION TO FILE AMENDED NOTICE OF CLAIM AND ORDER VACATING TRIAL SCHEDULE ORDER was mailed on August 11, 2005, with sufficient first-class postage to the following:

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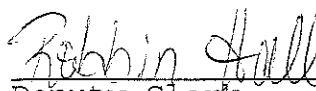
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ORDER

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Deputy Clerk