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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
Department of Water Resources  
FILED  
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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 45-12475, *et al.* – 64 claims  
) (USDI / BLM)  
Case No. 39576 ) and  
) Subcases 45-12477, *et al.* – 30 claims  
) (USDI / BLM)  
)  
) SCHEDULING ORDER ON BEDKE  
) MOTIONS TO FILE LATE  
) OBJECTIONS

A scheduling conference on the above two groups of claims was held by telephone on September 8, 2005. Larry A. Brown and R. Lee Leininger appeared for the United States, along with Fredric W. Price; Bruce and Jared Bedke appeared *pro se*; David J. Barber appeared for the State of Idaho; Travis L. Thompson appeared for Michael and Gary Poulton and Joe Tugaw; and Nicholas B. Spencer appeared for IDWR.

The parties agreed to identify and list separately the United States' dual-based claims (state law and PWR 107) from its state law-based claims, to argue the claims in the same proceedings and to simultaneously submit memoranda and response memoranda on the issue of the Bedkes' motions to file late objections in the above subcases.<sup>1</sup>

THEREFORE, IT IS ORDERED that the following schedule shall apply:

<sup>1</sup> The parties are reminded that SRBA Presiding Judge John M. Melanson ordered that "the Special Master erroneously applied an I.R.C.P. 60 (a) (default judgment) standard instead of an I.R.C.P. 55 (c) (default) standard. . . . [and] incorrectly focused on the Bedkes' reason for not agreeing to the *Stipulation* instead of on the merits of their objections." Judge Melanson ordered that the Special Master apply the "good cause" standard and make findings in accord with the following principles: prejudice, the procedural posture of each of the above subcases, the merits of the Bedkes' position, willfulness and policy. Judge Melanson finally ordered that the Special Master "conduct any procedures necessary to make findings of fact to determine whether the Bedkes met the 'good cause' standard under I.R.C.P. Rule 55 (c) [emphasis added]." The parties are encouraged to carefully review Judge Melanson's August 3, 2005 *Order on Permissive Review And Order of Recommitment*, 45-12475, *et al.*, and focus their memoranda on the specific findings of fact ordered by Judge Melanson. There is no question about what issues must be briefed by the parties and will be reported by the Special Master.

**Friday, November 4, 2005**

The parties shall simultaneously lodge with the SRBA Court memoranda on the issue of whether the Bedkes' motions to file late objections should be granted.

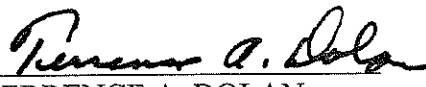
**Friday, December 16, 2005**

The parties shall simultaneously lodge with the SRBA Court response memoranda.

**Thursday, January 12, 2006**  
**11:00 a.m.**

Hearing on the Bedkes' motions to file late objections:  
SRBA Courthouse  
253 3<sup>rd</sup> Avenue North  
Twin Falls, Idaho

DATED September 9, 2005.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SCHEDULING ORDER ON BEDKE MOTIONS TO FILE LATE OBJECTIONS was mailed on September 09, 2005, with sufficient first-class postage to the following:

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SCOTT BEDKE

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USDI BLM

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EXHIBIT A

Subcase Nos:

|          |          |
|----------|----------|
| 45-12475 | 45-12804 |
| 45-12493 | 45-12807 |
| 45-12495 | 45-12808 |
| 45-12499 | 45-12809 |
| 45-12515 | 45-12810 |
| 45-12517 | 45-12811 |
| 45-12522 | 45-12813 |
| 45-12523 | 45-12814 |
| 45-12524 | 45-12819 |
| 45-12525 | 45-12820 |
| 45-12526 | 45-12821 |
| 45-12527 | 45-12822 |
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| 45-12796 |          |
| 45-12797 |          |
| 45-12801 |          |
| 45-12802 |          |
| 45-12803 |          |

(Subcase list: LTEOBJBEKE)  
9/09/05

EXHIBIT B

Subcase Nos:

45-12477  
45-12479  
45-12481  
45-12483  
45-12497  
45-12541  
45-12543  
45-12545  
45-12658  
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