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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Earl Warthen, Objector

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 Nos. 45-10502, 45-12906,
	)	45-10480, and 45-10481
Case No. 39576	)	
	)	STIPULATION TO VACATE AND RE-
	)	SET TRIAL, DISPOSITIVE MOTION
	)	DEADLINE AND PRE-TRIAL
	)	HEARING

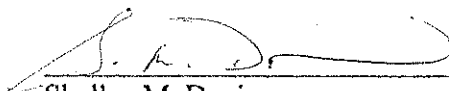
COMES NOW, Shelley Davis, Counsel for Earl Warthen, and Michael Tribe, Counsel for Norman and Dolores Smyer, and Kevin Smyer, and hereby stipulate to vacate the trial set in the above-referenced sub-case numbers, currently scheduled for January 19, 2006. After conferring with one another, as well as with this Court, counsel for the Parties have agreed to re-set the trial to March 8, 2006, at 10:00 a.m. at the SRBA Court Building in Twin Falls, Idaho.

Dispositive Motions in the above-entitled sub-cases must be filed on or before February 3, 2006. A pre-trial hearing will be held telephonically before the Court on March 2, 2006 at a time to be determined by the Court. An proposed Order for the Court's

signature adopting the parties stipulated schedule has been submitted with this Stipulation for the Court's consideration.

Dated this 9th day of December, 2005.

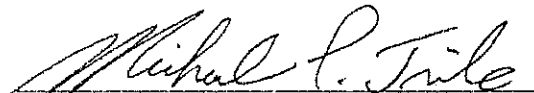
BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis
Counsel for Earl Warthen

Dated this 9th day of December, 2005.

LING ROBINSON & WALKER, LLP



Michael Tribe
Counsel for Norman, Dolores, & Kevin Smyer

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2005, I served a true and correct copy of the foregoing *Stipulation to Vacate and Re-Set Trial, Dispositive Motion Date and Pre-Trial Conference* on the following by U.S. Mail, postage prepaid:

Original to:

Clerk
Fifth Judicial District Court
Snake River Basin Adjudication
253 3rd Ave. N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Counsel for the Objector/Claimants:

Michael Tribe
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Rupert, ID 83350

Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Nat'l Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Shelley M. Davis