

2005 DEC 21 PM 2 30

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 51-02002, <i>et al.</i> [Exhibit A]
	) (Riddle Ranches/Jackson)
Case No. 39576	) Subcases 51-12756, <i>et al.</i> [Exhibit B]
	) Subcases 51-12604, <i>et al.</i> [Exhibit C]
	) (US/Shoshone-Paiute Tribes)
	)
	) ORDER VACATING TRIAL
	) SCHEDULING ORDERS and ORDER
	) SETTING SCHEDULE FOR FILING
	) MOTION FOR ENTRY OF PARTIAL
	) CONSENT DECREE

On December 12, 2005, the State of Idaho and the United States of America as trustee for the benefit of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation filed a *Joint Motion for Scheduling Order* asking that the Special Master vacate current trial scheduling orders and set a schedule for filing of a motion for entry of partial consent decree "for the purpose of implementing the United States' conditional acceptance of the offer of judgment." In support of the *Joint Motion*, the parties stated:

On November 15, 2005, the United States conditionally accepted the offer of judgment, contingent upon certain language regarding the tribal water rights being included in the documents which will effectuate the offer of judgment. The State and other objectors have agreed to the United States' conditional language. If the acceptance of the offer of judgment is approved by the court, it would resolve all issues associated with the claims filed by the United States as trustee obviating the need for a trial or any further litigation proceedings. As a party to the agreement, the United States would also dismiss its objections to the claims filed by Riddle Ranches.

The United States reviewed the offer of judgment with the Tribes prior to its conditional acceptance of the offer of judgment. In a letter dated November 16, 2005, the Tribes informed the State, Riddle Ranches, and J.R. Simplot that the Tribes were not responding to the offer of judgment because it was served on the United States. The letter also stated that the Tribes reserved the right to respond to the offer of judgment before the Court.

The State and the United States also requested that issues regarding 1) the status of the Tribes in the litigation and 2) whether Tribal consent is required to implement the United States' conditional acceptance of the offer of judgment be addressed as part of the consent decree briefing. The parties then proposed certain schedule dates.

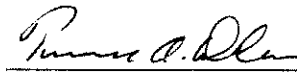
To date, neither the Tribes nor the other parties have responded to the *Joint Motion*.

THEREFORE, IT IS ORDERED that:

1. The 3rd Amended Trial Schedule Order Regarding Riddle Ranches / Jackson Claims (subcases 51-02002, *et al.*), dated April 22, 2005, is **vacated**;
2. The 7th Amended Trial Schedule Order (subcases 51-12756, *et al.* and subcases 51-12604, *et al.*), dated November 18, 2005, is **vacated**; and
3. The following schedule for filing of a motion for entry of partial consent decree for the purpose of implementing the United States' conditional acceptance of the offer of judgment, including issues concerning Tribal status and Tribal consent, shall apply:

January 9, 2006	Deadline to file motion for entry of partial consent decree and brief in support thereof.
February 10, 2006	Deadline to file objections to motion for entry of partial consent decree and brief in support thereof.
February 27, 2006	Deadline to file reply briefs regarding motion for entry of partial consent decree or objections thereto.
March 23, 2006 10:00 a.m.	Hearing on motion for entry of partial consent decree and objections thereto: SRBA Courthouse 253 3 rd Avenue North Twin Falls, Idaho. Telephone participation will not be allowed. In the event further litigation is required, the parties must be prepared for abbreviated settings.

DATED December 21, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER VACATING TRIAL SCHEDULING ORDERS AND ORDER SETTING SCHEDULE FOR FILING MOTION FOR ENTRY OF PARTIAL CONSENT DECREE** was mailed on December 21, 2005, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Dept of Justice
Enviro & Natural Resource Div
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JR Simplot CO

JR Simplot Self-Declaration

ML Investment CO

TM Ranch CO

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Terry T. Uhling

JR Simplot Co

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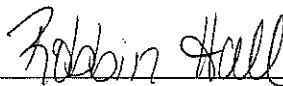
Boise, ID 83707

United States of America

For Shoshone-Paiute Tribe

911 N.E. 11th Ave.

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Deputy Clerk