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Attorneys for Earl Warthen, Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

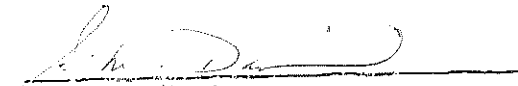
In Re SRBA	)	Subcase No. 45-10502
	)	
	)	STIPULATION TO CONSOLIDATE
Case No. 39576	)	SUBCASE NO. 45-10502 WITH SUBCASE
	)	NOS. 45-10480, 45-10481, AND 45-12906
	)	FOR TRIAL AND SCHEDULING
	)	
_____	)	

COMES NOW, Shelley Davis, Counsel for Claimant Earl Warthen, and Michael Tribe, Counsel for Participants Norman and Dolores Smyer, and hereby stipulate to consolidate SRBA Subcase No. 45-10502 with SRBA Subcase Nos. 45-10480, 45-10481, and 45-12906 for purposes of trial and pre-trial scheduling. The Claimant and Participants in subcase no. 45-10502 are the same parties to the actions in subcase nos. 45-10480, 45-10481, and 45-12906. The matters to be tried are sufficiently similar, and the witnesses to be called in all four actions will overlap considerably. For these reasons, counsel for all parties makes this stipulation.

A proposed Order adopting this stipulation has been enclosed for the Court's convenience and consideration.

Dated this 21 day of December, 2005.

BARKER ROSHOLT & SIMPSON LLP


Shelley M. Davis
Counsel for Earl Warthen

Dated this 31 day of December, 2005.

LING ROBINSON & WALKER, LLP


Michael Tribe
Counsel for Norman, Dolores, & Kevin Snyder

CERTIFICATE OF SERVICE

I hereby certify that on this 21st 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
Ling, Robinson & Walker
P.O. Box 396
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