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DEPARTMENT OF  
WATER RESOURCES

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DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

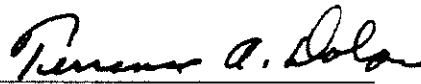
In Re SRBA ) Subcases 45-10480, 45-10481 and 45-12906  
Case No. 39576 ) (Smyers)  
 )  
 ) ORDER VACATING TRIAL  
 ) SCHEDULING ORDER; ORDER  
 ) SETTING SUBCASES FOR STATUS  
 ) CONFERENCE; AND ORDER SETTING  
 ) SUBCASE 45-12906 FOR HEARING ON  
 ) MOTION TO AMEND CLAIM

A pretrial conference in the above three subcases was held by telephone on November 9, 2006. Michael P. Tribe appeared for the Smyers; Shelley M. Davis appeared for Earl Warthen; and Chris M. Bromley appeared for IDWR. The parties have settled the matters and requested that the trial setting be vacated.

THEREFORE, IT IS ORDERED that the June 22, 2006 *Trial Scheduling Order* setting trial to begin November 16, 2006, is **vacated**. A status conference will be held **January 4, 2007, 10:30 a.m.** for subcases 45-10480 and 45-10481. A hearing on the *Motion to Amend Claim* for subcase 45-12906 will be held the same date and time.

Parties may participate by telephone by dialing 1-225-383-1099 and entering participant code 654400.

DATED November 9, 2006.



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 ORDER; ORDER SETTING SUBCASES FOR STATUS; AND ORDER SETTING HEARING was mailed on November 09, 2006, with sufficient first-class postage to the following:

DELORES J SMYER  
KEVIN SMYER  
NORMAN L SMYER

Represented by:  
MICHAEL P TRIBE  
MICHAEL P. TRIBE  
615 H STREET  
PO BOX 396  
RUPERT, ID 83350-0396  
Phone: 208-436-4717

EARL WARTHEN  
Represented by:  
SHELLEY M. DAVIS  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098