

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF SNAKE RIVER)
BASIN ADJUDICATION WATER)
RIGHT NOS. 29-00271, 29-00272,)
29-00273, 29-02274, 29-02338, 29-02354,)
29-02382, 29-02401, 29-02499,)
29-04221, 29-04222, 29-04223, 29-04224,)
29-04225, 29-04226, 29-07106,)
29-07118, 29-07119, 29-07222, 29-07322,)
29-07375, 29-07431, 29-07450,)
29-07502, 29-07770, 29-07782, 29-11339,)
29-11344, 29-11348, 29-13558, 29-13559,)
29-13560, 29-13561, 29-13562, 29-13636,)
29-13637, 29-13638 & 29-13639)
_____)

ORDER VACATING FACT-
FINDING HEARING

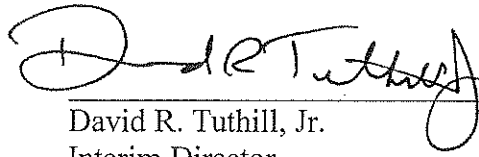
On August 18, 2006, Special Master Bilyeu of the Snake River Basin Adjudication ("SRBA") District Court issued an *Order on Summary Judgment* on the City of Pocatello's objections to the conditions recommended by the Idaho Department of Water Resources ("IDWR") to address accomplish transfers claimed by the City of Pocatello pursuant to I.C. § 42-1425. The Special Master remanded the claims to IDWR for the purpose of allowing the City of Pocatello to present additional evidence and information regarding those conditions.

Pursuant to the *Order on Summary Judgment*, IDWR scheduled the above captioned matter for a fact-finding hearing beginning on Monday, January 29, 2007 at 9:30 a.m. and concluding no later than Wednesday, January 31, 2007.

On January 26, 2007, the parties to the above-described SRBA subcases entered into a *Stipulation Regarding Idaho Code § 42-1425 Remand* ("Stipulation"). In this Stipulation, the parties agreed to waive any and all objections to the hearing, or lack thereof, required by Idaho Code § 42-1425 (2)(a) and all parties stipulated that the hearing, or lack thereof, may not be raised as an issue seeking review or appeal from the trial in this action. The parties further agreed that the determination of the Idaho Code § 42-1425 accomplish transfer issues will proceed in accordance with the existing trial schedule and the record before the court.

Based on the Stipulation entered into by the parties, the fact-finding hearing scheduled to commence on January 29, 2007, is hereby vacated.

Dated this 26th day of January, 2007.



David R. Tuthill, Jr.
Interim Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January, 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:

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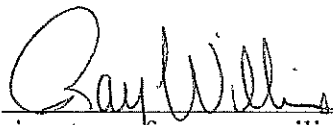
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