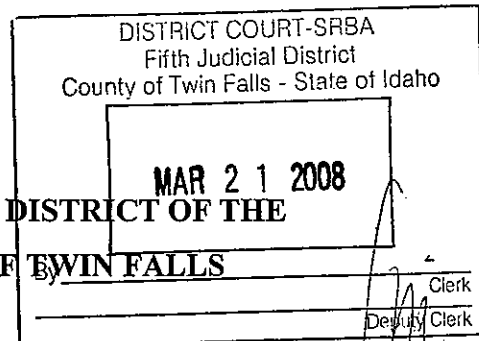




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase: 63-03618
) (Lucky Peak Reservoir)
)
) ORDER DENYING MOTION TO
) STRIKE AFFIDAVITS; GRANTING
) ALTERNATIVE RELIEF; AND
) CONTINUING HEARING ON MOTION
) FOR SUMMARY JUDGMENT

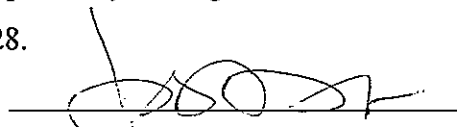
This matter came before the Court pursuant to a *Motion to Strike, or in the Alternative, Rule 56(F) Motion* filed through counsel, by Pioneer and Settlers Irrigation Districts on February 20, 2008. The *Motion* sought an order striking the Affidavit of Robert J. Sutter and the Third Affidavit of David A. Jarvis filed by the United States. On February 25, 2008, Pioneer and Settlers Irrigation Districts filed a subsequent *Motion to Strike, or in the Alternative, Rule 56(F) Motion* regarding the Affidavit of Sherri Pillow filed by the City of Boise and Ada County. A hearing was held on the *Motions* on March 4, 2008. At the conclusion of the hearing the Court ordered the following:

IT IS HEREBY ORDERED that the motions to strike the affidavits of Robert J. Sutter, David A. Jarvis and Sherri Pillow are **DENIED**.

IT IS FURTHER HEREBY ORDERED that the motion to allow additional time to take the deposition of Robert J. Sutter and file a sur-reply brief is **GRANTED**.

IT IS FURTHER HEREBY ORDERED that the hearing on the motions for summary judgment is continued until **Thursday, June 19, 2008, at 1:30 p.m. (MDT) at the Snake River Basin Adjudication Courthouse, 235 – 3rd Avenue North, Twin Falls, Idaho**. Parties may participate by telephone by dialing the number 918-583-3445 and when prompted entering the code 406128.

Dated March 21, 2008


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

**ORDER DENYING MOTION TO STRIKE AFFIDAVIT; GRANTING ALTERNATIVE RELIEF;
AND CONTINUING HEARING ON MOTION FOR SUMMARY JUDGMENT**

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER DENYING MOTION TO STRIKE AFFIDAVITS; GRANTING ALTERNATIVE RELIEF; AND CONTINUING HEARING ON MOTION FOR SUMMARY JUDGMENT** were mailed on March 21, 2008, by first-class mail to the following:

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Boise, ID 83720-0098

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620 West Hayes
Boise, ID 83702

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

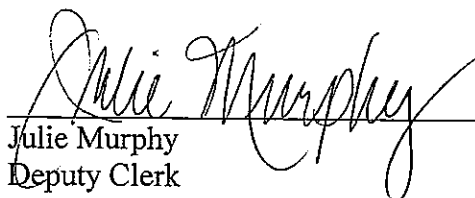
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Julie Murphy
Deputy Clerk