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DEPARTMENT OF
WATER RESOURCES

2008 MAY 20 AM 11:00

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	)	Subcase 74-741 (Herbst)
	)	
Case No. 39576	)	ORDER REQUESTING 706 REPORT
	)	AND ALTERNATIVE
	)	RECOMMENDATION

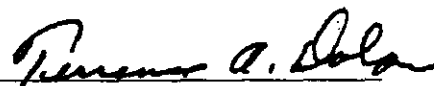
The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-741 to Robin and Lynn Herbst for 4.3 cfs from the Lemhi River for year-'round stockwater use and to irrigate 143 acres in Lemhi County from March 15 to November 15 with a priority date of January 8, 1908, based on a decree.

The Herbsts filed an *Objection* on June 6, 2006, objecting to priority date. On August 22, 2007, they were granted leave to file an amended claim for a priority date of May 26, 1873. IDWR filed an *Amended Director's Report, Subcase No. 74-741* on October 12, 2007, reiterating its earlier recommendation and the Herbsts filed an *Objection* on November 27, 2007, objecting to priority date.

A pre-trial conference is set for July 24, 2008, 9:30 a.m. and trial is set for July 31, 2008, 10:00 a.m. at the SRBA Courthouse in Twin Falls, Idaho. In order to assist the parties and Special Master in the matter,

THEREFORE, IT IS ORDERED that IDWR prepare and file with the Court **no later than July 11, 2008**, an I.R.C.P. 706 Report concerning the underlying facts and data upon which it based its recommendation. In addition, the Report shall include an "alternative recommendation" in the event the Herbsts' claim is allowed.

DATED May 20, 2008.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUESTING
706 REPORT AND ALTERNATIVE RECOMMENDATION was mailed on May
20, 2008, with sufficient first-class postage to the following:

LYNN A & ROBIN R HERBST

LYNN A HERBST

Represented by:

PAUL L ARRINGTON

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

ROBIN R HERBST

PO BOX 21

TENDON, ID 83467

Phone: 208-756-2584

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098