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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 23 2008

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) Consolidated Subcase 00-92023
Case No. 39576) ORDER AMENDING SCHEDULING
ORDER FOR CONSOLIDATED
SUBCASE 00-92023
_____)

This matter came before the Court pursuant to a status and scheduling conference held May 20, 2008. Pursuant to the scheduling and status conference, the *Scheduling Order* entered December 20, 2007, is amended as follows:

May 30, 2008:	Parties serve request for written discovery re: recharge subordination summary judgment motions.
June 30, 2008:	Parties respond to requests for written discovery re; recharge subordination summary judgment motions.
July 14, 2008:	Parties serve any follow up discovery re: recharge subordination summary judgment motions.
August 1, 2008:	Parties file cross-motions for summary judgment and opening briefs re: recharge subordination.
August 29, 2008:	Parties file responses to opening briefs on cross-motions for summary judgment re: recharge subordination.
September 12, 2008:	Parties file replies on cross-motions for summary judgment re: recharge subordination.
September 18, 2008:	Hearing on cross-motions for summary judgment re: recharge subordination. 1:30 p.m. at the SRBA Courthouse, 235 – 3 rd Avenue North, Twin Falls, Idaho.

ORDER AMENDING SCHEDULING ORDER FOR CONSOLIDATED SUBCASE 00-92023

Telephone participation will be allowed by calling 1-918-583-3445 and entering participant code 406128 when prompted.

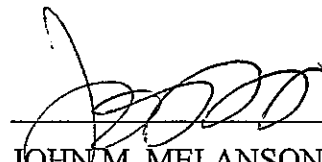
- November 10, 2008:** **Discovery closes.**
- November 24, 2008:** **Dispositive motion filing deadline.**
- January 13, 2009:** **Final Pre-trial conference. 1:30 p.m. at the SRBA Courthouse. Telephone participation will be allowed by calling 1-918-583-3445 and entering participant code 406128 when prompted.**
- February 2, 2009:** **Trial (2-4 weeks) 9: a.m. at the SRBA Courthouse, 235 – 3rd Avenue North, Twin Falls, Idaho.**

The State of Idaho's *Motion to Dismiss*.

The distinction between defining the elements of a water right and the administration of a water right often times overlaps and is not always certain. As such, any dismissal by this Court on the basis that the claim(s) should be pursued administratively would be without prejudice. This eliminates any prejudice to a party occasioned by the overlap and uncertainty. However, in the interest of avoiding significant delay through the blanket dismissal and potential later re-filing of claims this Court should proceed in ruling on the State's *Motion* to determine what specific issues, if any, can be parsed out and decided by this Court. Accordingly, the following deadlines apply:

- May 30, 2008:** **State files opening brief in support of motion to dismiss.**
- June 20, 2008:** **Idaho Power files its response brief on State's motion to dismiss.**
- July 7, 2008:** **State files its reply brief on State's motion to dismiss**
- July 18, 2008:** **Hearing on State's *Motion to Dismiss*. 10:00 a.m. at the SRBA Courthouse, 235 – 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be allowed by calling 1-918-583-3445 and entering participant code 406128 when prompted.**

Dated May 23, 2008



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING SCHEDULING ORDER FOR CONSOLIDATED SUBCASE 00-92023 was mailed on May 23, 2008, with sufficient first-class postage to the following:

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(Certificate of mailing continued)

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