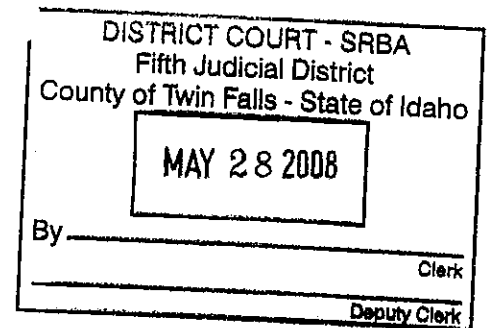




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase 37-21468
)
Case No. 39576) ORDER VACATING HEARING ON
) MOTION FOR PARTIAL SUMMARY
) JUDGMENT;
)
) ORDER OF STAY

On May 16, 2008, the claimant of the above-captioned subcase, CG-Elkhorn Golf LLC, through its attorney Patrick D. Brown, filed a *Motion for Partial Summary Judgment*, seeking dismissal of the objection to the *Director's Report* filed by the Big Wood Canal Company *et al.* The *Director's Report* for water right claim 37-21468 recommends two purposes of use: recreation and recreation storage. The objection filed by the Big Wood Canal Company, *et al.*, seeks disallowance of the water right claim, and asserts that aesthetic, wildlife, and recreation are not beneficial uses of water to the extent that water rights for such uses are held in the name of private entities. On May 21, 2008, CG-Elkhorn Golf LLC filed a *Notice of Hearing: Motion for Partial Summary Judgment* to have the matter heard on June 13, 2008.

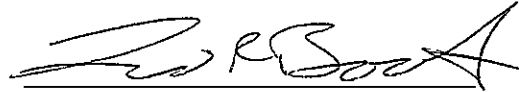
On March 24, 2008, the Sinclair Oil Corporation, dba Sun Valley Company, through its attorney Scott L. Campbell, filed a *Motion to Designate Basin-Wide Issue* (subcase 00-91014). The *Motion to Designate Basin-Wide Issue* seeks to have the following designated as a basin-wide issue: "Are aesthetic, wildlife, and recreation beneficial uses of water if the water right is held by a private party?" Presiding Judge Melanson has scheduled a hearing on the matter for June 17, 2008.

For the reason that the outcome of the proceedings regarding designation of a basin-wide issue may well be determinative of the issue raised in CG-Elkhorn Golf

LLC's *Motion for Partial Summary Judgment*, and in the interests of judicial economy, the following are HEREBY ORDERED:

- 1) The hearing on CG-Elkhorn Golf LLC's *Motion for Partial Summary Judgment*, previously scheduled for June 13, 2008, is **vacated**.
- 2) Further proceedings in subcase 37-21468 are **stayed** until further order of this Special Master.

Dated May 28, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING HEARING ON SUMMARY JUDGMENT; ORDER OF STAY was mailed on May 28, 2008, with sufficient first-class postage to the following:

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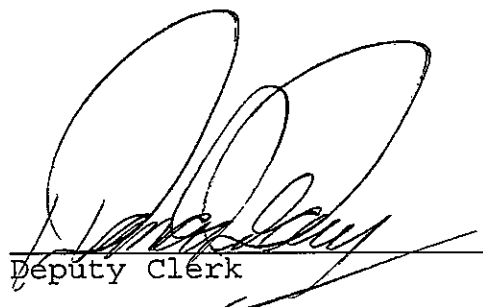
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ORDER

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