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**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 Nos. See Exhibit A
	)	
Case No. 39576	)	MOTION FOR COURT TO REQUEST
	)	PREPARATION OF RULE 706 REPORT & TO SET
	)	STATUS CONFERENCE
	)	
	)	
	)	

COME NOW, ALBERT & ALVERA FOLS, CHARLES & MARY HARLING, A.C. & LUELLA PILKERTON, LLOYD & SHERYL TUTOR, MARCI DIXON, AND TRACY MARCIA (hereinafter collectively referred to as the "Carmen Creek Users"), claimants in the SRBA, by and through their attorneys of record, Barker Rosholt & Simpson LLP, and move this Court for an Order requesting that the Idaho Department of Water Resources ("Department") prepare a Report in accordance with Idaho Rule of Evidence 706 (a "706 Report"), for the water rights listed on Exhibit A, attached hereto. In addition, the Carmen Creek Users request a status conference to discuss the time required to prepare such 706 Report and the impact, if any, on the October 9, 2008, *Trial Schedule Order*.

**MOTION FOR COURT TO REQUEST PREPARATION OF RULE 706 REPORT & TO SET STATUS 1
CONFERENCE**

On February 20, 2008, the Court granted the Carmen Creek Users' leave to file late objections on the above water rights. Leave was granted to file an amended objection on a portion of the water rights in this Court's November 6, 2008, *Order Granting Motion to Amend Objections*. Currently, the discovery deadline is May 29, 2009, and the matter is set for trial on June 24, 2009.

The Carmen Creek Users request that the Department prepare a 706 Report for each of the above water rights. Counsel for the Carmen Creek Users has spoken with counsel for the Department, who indicated that the Department would be willing to prepare a 706 Report for the above water rights. However, the Department would not plan on doing the requisite field exam until some time in the spring. Depending on when the Department is able to do the field exam and issue the 706 Report, the discovery deadline and trial may need to be changed. As such, a status conference would be appropriate to allow the Court, Department and parties to discuss potential scheduling issues that may arise.

Accordingly, the Carmen Creek Users request that the Department prepare a 706 Report for the above water rights and that the Court set a status conference to address the timing of the 706 Report and any impacts on the *Trial Schedule Order*.

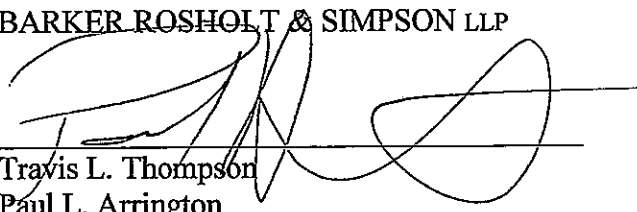
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DATED this 5th day of December, 2008.

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson
Paul L. Arrington

CERTIFICATE OF MAILING

I certify that on December, 5 2008, I served the original and copies of the foregoing document to the following persons as indicated:

Original, hand delivery to:

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Snake River Basin Adjudication
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Twin Falls, Idaho 83303-2707

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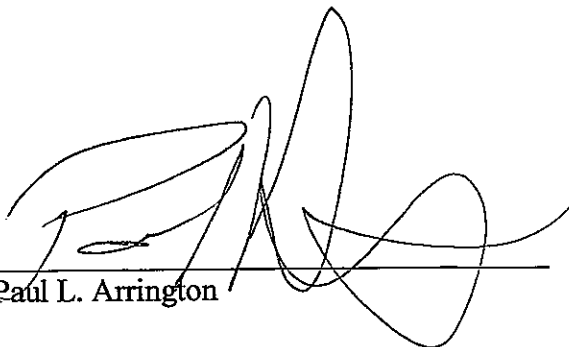
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Erwin, Shirley Mattis, James Hudson, William
Clementz, Robert Ernest, John & Ruth Burns,
George Matejko, Donna and Thomas Jackson,
and Rick Rice*



Paul L. Arrington

ATTACHMENT A

75-69A	75-10061B
75-69B	75-10061C
75-69F	75-10061J
75-69H	75-10061R
75-69K	75-10061T
75-69L	75-10061Y
75-69N	75-10061Z
75-69P	75-10062A
75-69Q	75-10062AA
75-69S	75-10062AB
75-69W	75-10062AC
75-69X	75-10062AL
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75-70T	75-10137B
75-70X	75-10678
75-70Y	75-14387
75-10061A	75-14388
75-10061AA	75-14393
75-10061AC	75-14441
75-10061AE	75-14443
75-10061AM	