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DEPARTMENT OF
WATER RESOURCES

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

JAN 13 2009

By _____

Clerk

Deputy Clerk

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) Subcases 01-217, 01-218, 01-4024 and 01-
) 4025
Case No. 39576) (Minidoka Power Rights)
)
) Subcases 01-2017, 01-2032, 01-2046,
) 01-2064, 01-4052, 01-10042, 01-10382,
) 01-10383, 01-10384, 01-10485, 01-10486,
) 01-10487, 01-10531 and 01-10532
) (American Falls Rights)
)
) Subcases 01-2068 and 01-4054
) (Palisades Power Rights)
)
) REQUEST FOR COMMENTS, RE:
) DRAFT TRIAL SCHEDULE ORDERS

On December 30, 2008, the Special Master entered an *Order Vacating Trial* in 42 Basin 01 subcases beginning with 01-2064 entitled "ownership issue." The *Order* was based on the parties' December 24, 2008 *Unopposed Motion to Vacate Trial* which stated: "The parties held a conference call on December 22, 2008, and came to a collective agreement that, considering the progress they have made on the issues, the trial should be vacated in favor of a progress report to be issued in sixty (60) days."

The Special Master has struggled to fairly schedule the 42 "ownership issue" subcases which encompass the above 20 subcases recently proposed for their own trial schedules but grouped differently – i.e., "Minidoka Power Rights," "American Falls Rights" and "Palisades Power Rights." Those three groups and headings were taken from

the United States' November 19, 2008 *Scheduling Proposal*. There was no explanation of the difference in numbers between 20 and 42.¹

The next matters scheduled for hearing are Idaho Power Company's *Motion for Protective Order* (01-2064) and the State of Idaho's *Motion to Amend Objection* (01-2064) set for hearing by telephone on Thursday, January 29, 2009, 2:00 p.m. There is one other pending motion **not** set for hearing but which may be discussed during that hearing depending on whether there is opposition – American Falls Reservoir District No. 2's *Motion to Participate* (01-2064, *et al.*).

Attached are three draft "Trial Schedule Orders" for the parties to consider before the January 29, 2009 teleconference. The Special Master weighed arguments of counsel during the November 20, 2008 scheduling conference, including the State's concerns with delays. But in light of recent budget and personnel constraints, the United States' proposed schedule is more feasible. Therefore, the parties are asked for any suggestions or comments they may have to the attached draft "Trial Schedule Orders" during the January 29th teleconference, in addition to the matters mentioned above.

DATED January 13, 2009.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

¹ Perhaps the list of 20 subcases simply omitted split rights (A, B, C, etc.), maybe the United States listed only subcases where it is a party or perhaps there exists a fourth issue group.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the REQUEST FOR COMMENTS RE DRAFT TRIAL SCHEDULE ORDERS was mailed on January 13, 2009, with sufficient first-class postage to the following:

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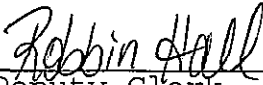
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