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MAY 13 2009

DEPARTMENT OF
WATER RESOURCES

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

MAY 12 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

Case No. 39576

) Subcase Nos.: 01-00023B, 01-00297,
) 35-02543 and 35-04246
) (Aberdeen-Springfield Canal Co.)
)
) ORDER VACATING TRIAL
) SCHEDULING ORDER
)

A hearing was held on April 30, 2009, in the following objections, motions and request:

1. Claimant's *Objections* filed August 6, 1999, and October 5, 2006 (all four of the above subcases);
2. Surface Water Coalitions' *Objections* filed April 28, 2008 (all four subcases);
3. Claimant's *Motion for Summary Judgment* filed March 27, 2009 (all four subcases);
4. Surface Water Coalition's *Joint Motion for Summary Judgment* filed March 27, 2009 (01-23B only); and
5. Surface Water Coalition's *Request Pursuant to Rule 56(f) to Allow Depositions to Proceed Before Hearing and Objection to and Motion to Strike Affidavits* filed April 23, 2009 (all four subcases).

At the conclusion of the hearing, all matters were taken under advisement. Because it appears to the parties and Special Master there are no genuine issues as to any material fact and the matters will likely be decided based solely on the current filings, it is appropriate that the September 2, 2008 *Trial Schedule Order* should be vacated subject to re-setting at a later date.

THEREFORE, IT IS ORDERED that the current *Trial Schedule Order* is **vacated**, including the May 21, 2009 pretrial conference and June 8, 2009 trial.

DATED May 12, 2009.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan", written in a cursive style.

TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER VACATING TRIAL SCHEDULE ORDER was mailed on May 12, 2009, with sufficient first-class postage to the following:

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UNITED STATES OF AMERICA

USDI BLM
USDI BUREAU OF RECLAMATION

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