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DEPARTMENT OF
WATER RESOURCES

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

SEP - 1 2009

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

Clerk
Deputy Clerk

In Re SRBA

TRIAL SCHEDULING ORDER

Case No. 39576

SUBCASE NO.: 27-4096

(Test Case for Tribal Volumetric Objections)

A Status Conference was held on August 5, 2009 for all the subcases to which the Shoshone-Bannock Tribes filed *Objections*. (The Irrigation Group and the July 1st Group) At the hearing, the parties reported on the progress of settlement negotiations. The parties confirmed that work on settling the Tribal *Objections* is currently focused on three components:

- 1) A motion for interim administration in Basin 27;¹
- 2) A proposed Blackfoot River Management Plan;
- 3) A proposed settlement agreement relating to the *1990 Fort Hall Settlement Agreement*.

In order to resolve some of the issues relating to the volumetric objections and to promote settlement, the parties agreed to establish a "test case" which would establish the precedent for all factually similar subcases. Subcase 27-4096 was chosen as the test case.²

The only parties appearing in 27-4096 are the State of Idaho, the Shoshone-Bannock Tribes, the United States Bureau of Indian Affairs, and the Committee of Nine. Only parties may present evidence at the trial on December 6-10, 2010. Any motions to participate as a party in 27-4096 must be filed no later than September 25, 2009. A few parties to related subcases asked not to be parties to 27-4096, but want to be included on the certificate of mailing for "test case" 27-4096. If other individuals want to receive notice of proceedings for the "test case," they must file a *Request to Receive Notice of Test Case* no later than September 25, 2009.

¹ The *Motion for Interim Administration* was granted by Presiding Judge John Melanson on August 21, 2009.

² If the parties to subcase 27-4096 determine that this claim should be dismissed for any reason prior to trial, they shall be required to have a hearing on the proposed dismissal. In addition, the parties to 27-4096 shall be required to identify an appropriate replacement "test case" which can be tried on schedule.

The parties to subcase 27-4096 must meet ALL deadlines set forth below. Parties to the other related subcases previously set **MUST DECIDE WHETHER THEY NEED TO FOLLOW THE PROCEEDINGS OF THIS "TEST CASE". THE "TEST CASE" COULD SET THE PRECEDENT FOR ALL OF THE RELATED SUBCASES INVOLVED IN THE TRIBAL OBJECTIONS. IN ADDITION, ALL PARTIES TO EVERY SUBCASE WILL BE INCLUDED IN THE STATUS CONFERENCE SET FOR SEPTEMBER 29, 2010 AT 10:00 AM.**

Please be advised that Special Master Brigitte Bilyeu has set the following dates in the above listed subcase:

November 13, 2009	5:00 pm	<u>Information Report by Governmental Parties</u>
November 20, 2009	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
January 29, 2010	5:00 pm	<u>Information Report by Governmental Parties</u>
February 3, 2010	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
May 21, 2010	5:00 pm	<u>Information Report by Governmental Parties</u>
May 26, 2010	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
July 9, 2010	5:00 pm	<u>Information Report by Governmental Parties</u>
July 14, 2010	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301
September 24, 2010	5:00 pm	<u>Information Report by Governmental Parties</u>
<u>September 29, 2010</u> <u>(All Parties To All Subcases)</u>	10:00 am	Status Conference Location: Snake River Basin Adjudication 253 3 rd Ave. North Twin Falls, Idaho 83301

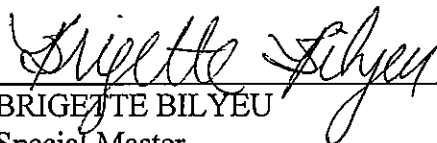
September 30, 2010 5:00 pm Deadline for Discovery to be Completed.

November 17, 2010 10:00 am **Pretrial Conference**
Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

December 6-10, 2010 10:00 am **Trial (5 days)**
Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conferences and the Pretrial Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

DATED: September 1, 2009



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication