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DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| FEB 09 2012                           |              |
| 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     | ) | ORDER DENYING MOTION TO |
|                | ) | VACATE AND RESET TRIAL; |
| Case No. 39576 | ) | DEADLINE FOR EXHIBITS   |
|                | ) |                         |
|                | ) | SUBCASE NO.: 37-21412   |

On September 29, 2011 a trial was set in this subcase for **February 15 – 17, 2012**. Prior to the scheduling of the **February 15, 2012** date, the court had set this matter for trial on **November 30, 2011**. Previously the court had scheduled this matter for trial on **July 14 – 15, 2011**. In addition, the court set several settlement conferences in this matter.

On January 20, 2012, Dana Hofstetter moved to vacate and reset case deadlines and trial dates. A hearing was held during the pretrial conference on January 25, 2012. The court extended the deadlines for exhibit and witness lists to February 3, 2012. The court declined to continue the trial, but continued the pretrial conference to February 8, 2012. All parties then filed a *Joint Motion to Extend Deadline for Witness and Exhibit List Exchange and to Extend Deadline for Statement of Issues*. The court granted the motion and extended the deadlines for exhibit/witness lists and statement of issues to February 8, 2012.

The continued pretrial conference and motion were held on February 8, 2012. Ms. Hofstetter did not attend due to a trial in Owyhee County. However, counsel Debra Ellers attended for Ms. Hofstetter. The reasons stated for the continuance of the trial were that Ms. Hofstetter hoped to settle the matter if provided additional time. Other parties opposed the continuance. The court **denied the motion to continue the trial**.

The parties asked to participate from IDWR's Boise Office by Video Teleconference. The Court granted the request. IDWR, the parties, and witnesses may participate by Video Teleconference. However, a physical copy of each and every exhibit to be offered must be received by the Court by **Monday February 13, 2012**.

DATED: February 9, 2012.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO VACATE AND RESET TRIAL; DEADLINE FOR EXHIBITS was mailed on February 09, 2012, with sufficient first-class postage to the following:

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SCANNED

FEB 13 2012

  
Deputy Clerk