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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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 No. 36-11584

)
) ORDER VACATING TRIAL DATE
) AND SETTING SETTLEMENT
) CONFERENCE

On July 5, 1995, IDWR joined with claimant/objector Land View Fertilizer, Inc., in filing a *Joint Motion to Vacate Trial Setting and Set Subcase for Mandatory Settlement Conference (Motion)*. The *Motion* points out that Land View recently acquired the real property and appurtenant water rights through bankruptcy proceedings filed by Patterson Farms of Idaho, Inc., the original claimant. A Standard Form 3, Consent to Substitution of Party, was filed on June 13, 1995. On that same date, attorney Roger Ling filed his *Notice of Appearance* on behalf of Land View.

On June 30, 1995, Presiding Judge Daniel Hurlbutt entered his *Order Directing IDWR to Attend Hearings (Order)* wherein he said:

The function of the director at evidentiary hearings on the merits and all other hearings before the Special Masters shall be that of a disinterested non-party fact witness consistent with the Idaho Rules of Civil Procedure subject to the direction of the Special Masters.

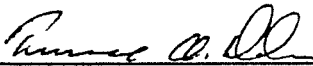
Order.

While a disinterested non-party fact witness may not normally file a motion in a civil proceeding, it is clear that the IDWR Director or his representative will play a fundamental role at the evidentiary hearing on the merits in this subcase. Therefore, it is deemed proper for IDWR to join with Land View, a party, in seeking to postpone the trial for good cause.

It is also clear that good cause has been shown why the current trial date should be vacated and the matter set for a settlement conference in the near future.

IT IS ORDERED granting Land View's Motion. The current trial date of July 7, 1995, is vacated. The subcase is set for a Settlement Conference before Settlement Moderator Brigitte Bilyeu on Wednesday, September 20, 1995, beginning at 9:00 a.m., at the SRBA Courthouse, 253 Third Avenue North, Twin Falls, Idaho.

DATED: July 5, 1995



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

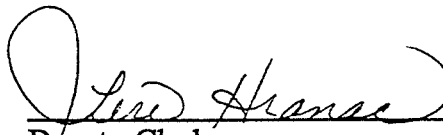
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING JOINT MOTION TO VACATE TRIAL** was mailed on July 5, 1995, with sufficient first-class postage to the following:

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Deputy Clerk