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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.: 36-00134A

)
) **ORDER SETTING ADDITIONAL**
) **PRETRIAL CONFERENCE**
)

On July 12, 1995, a pretrial conference was held. The claimants appeared in person and by their counsel, Patrick D. Brown. Howard Taylor & Sons, Inc., was represented by Jeffrey C. Fereday. The United States was represented by R. Lee Leininger. The State of Idaho was present in its sovereign capacity represented by Cheri Jacobus. Also present were Lynne Krogh and Nick Spencer.

The court heard argument of counsel concerning the function of the Idaho Department of Water Resources at pretrial hearings and trial and the participation of Howard Taylor & Sons, Inc., as a litigating *amicus curiae*. It is clear from the argument that several fundamental issues need further resolution before the matter proceeds to trial as set on August 28, 1995.

Therefore, IT IS ORDERED:

1. That the pretrial conference shall be reconvened before the Special Master on Tuesday, July 18, 1995, at 3:30 p.m., or sooner, following the monthly Status Conference at the SRBA Courthouse in Twin Falls, Idaho.
2. That the claimants and Howard Taylor & Sons, Inc., shall submit pretrial memoranda at the pretrial conference on July 18, 1995. Each memorandum shall briefly describe the elements of the water rights at issue and how each party would have the court adjudicate them; and

3. That the claimants and Howard Taylor & Sons, Inc. shall submit at the pretrial conference lists of witnesses and exhibits they intend to introduce as evidence at the trial. Also, counsel for IDWR shall submit a list of witnesses and exhibits which they consider necessary to support the facts contained in the Director's Report relative to water right claims 36-00134A and 36-00135B.

DATED July 17, 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 SETTING ADDITIONAL PRETRIAL CONFERENCE** was mailed on July 17, 1995, with sufficient first-class postage to the following:

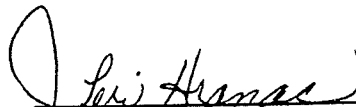
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Deputy Clerk