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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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.: 36-10664
)
) ORDER SETTING TRIAL DATE
)
)

On August 18, 1995, a scheduling conference was held before the Special Master in Twin Falls, Idaho. One of the co-claimants, Perry Patterson, appeared in person *pro se*. Deputy Attorney General Nicholas B. Spencer appeared by telephone on behalf of IDWR. During the conference, Mr. Patterson presented comments by his witness, Danny Rodriquez.

The Director's Report noted that the claimed water right "includes accomplished change in point of diversion pursuant to I.C. § 42-1416A." During the conference, Mr. Patterson presented a document entitled "State of Idaho, Department of Water Resources, Application for Transfer of Water Right", Transfer No. 2741, marked "Approved" and dated March 14, 1983. The approved change corresponds with the Pattersons' claim in the SRBA.

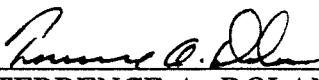
The Special Master is satisfied that the subcase may proceed despite the change in point of diversion because the transfer was duly approved by IDWR through administrative proceedings. Further, it is apparent that additional settlement negotiations will not likely be successful. Therefore, the subcase should be set for a one-day trial after October 23, 1995, as agreed to by the claimants and IDWR.

The following dates shall govern the trial of this case and no further order shall issue:

October 6, 1995	5:00 p.m.	Discovery Cutoff Date. All discovery shall be completed by this date.
October 13, 1995	5:00 p.m.	Deadline for filing summary judgment or other dispositive motion.
October 25, 1995	10:00 a.m.	Pretrial Conference. All parties or their counsel shall be present. Location: SRBA Courthouse 253 Third Avenue North Twin Falls, Idaho
November 1, 1995	10:00 a.m.	Trial. Location: SRBA Courthouse 253 Third Avenue North Twin Falls, Idaho

Pretrial motions shall proceed in accordance with the Idaho Rules of Civil Procedure. All dates are final and may only be reset on motion, hearing and order of the court. The hearing on a Motion to Rest will be held with all parties present including those represented by an attorney. The moving party may be held responsible for the costs of the resulting delay.

DATED August 31, 1995.



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

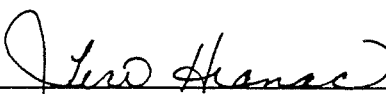
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING TRIAL DATE** was mailed on August 31, 1995, with sufficient first-class postage to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Perry & Margaret Patterson
1745 East, 3100 South
Wendell, ID 83355



Deputy Clerk