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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. 34-04179
)
)
)
)
)

ORDER GRANTING MOTION TO
RESET HEARING AND MOTION TO
CONTINUE RELATED BRIEFING

On March 8, 1996, the United States on behalf of the Bureau of Land Management filed its *Stipulation to Reset Hearing Scheduled Before a Special Master and Motion to Continue Related Briefing and Request for Expedited Consideration Thereof (Motion)* seeking to reset a summary judgment hearing and to continue the deadline for dispositive motion and briefing related to the above subcase.

In its *Motion*, the United States asserts that resolution of Basin-Wide Issue No. 12 is likely to result in a decision on definition of annual volume of consumptive use, the propriety of a combined usage remark, inclusion of number of cattle in a decree, wildlife as a purpose of use and the proper definition of *de minimis*. In addition, the United States further asserts that Senate Bill 1480 is presently pending before the Idaho State Legislature, and is likely to affect the definition of annual volume of consumptive use.

While this court is mindful of the assertions made by the United States, this Special Master will not continue or otherwise delay proceedings because a motion to designate a basin-wide issue has been filed. The Presiding Judge has not ruled on the designation of Basin-Wide Issue 12, and as such, this court will not continue a hearing on that basis. However, this court is aware that Senate Bill 1480 is presently awaiting approval of the governor, and this bill proposes to address issues relating to the definition of annual volume of consumptive use.

Therefore, IT IS ORDERED that:

1. The Summary Judgment Hearing set for April 3, 1996 is **vacated** and is **reset** for **April 30, 1996 at 10:00 a.m.** at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls, Idaho.
2. The deadline for filing a Motion for Summary Judgment or other dispositive motion is continued to **April 23, 1996** at 5:00 p.m.

DATED March 12, 1996.

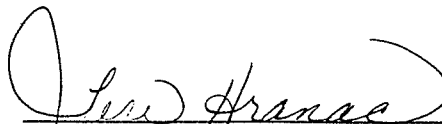

BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO RESET HEARING AND MOTION TO CONTINUE RELATED BRIEFING was mailed on March 12, 1996, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724


Deputy Clerk