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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

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In Re SRBA

Subcase: See Exhibit A

OCT 01 1996

Case No. 39576

ORDER SETTING
BRIEFING SCHEDULE

Department of Water Resources
Adjudication Bureau

The purpose of this **ORDER** is to set forth a briefing schedule on the appropriate annual volume of consumptive use in the subcases listed in Exhibit A. As set forth in this court's prior opinion the soul remaining issue as to annual volume of consumptive use is whether or not average annual precipitation should be considered in determining annual volume of consumptive use. Since the issue appears to be one of law the court hereby sets forth the following briefing schedule, in which the State of Idaho is invited to participate on this question of law;

1. Simultaneous opening briefs will be due by October 15, 1996 by 5:00 PM.
2. Simultaneous responsive briefs will be due on October 21, 1996 by 5:00 PM.
3. The court will set argument on these briefs for October 28, 1996 at 1:30 PM.

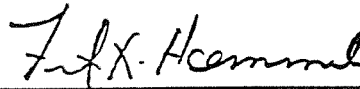
SRBA District Court
253 3rd Ave. North
Twin Falls, Idaho 83303

Pending any objection, the court will consider the I.R.E. 706 reports filed by IDWR as to the question of annual volume of consumptive use. Other than the reports submitted by the Idaho Department of Water Resources, the Department will not be asked to testify and shall not be

allowed to submit any briefing in this matter. In lieu of any final argument in this matter the parties who participate may chose to waive any hearing and submit the matter on the briefs. Parties wishing to waive oral argument in this matter must notify the court by October 21, 1996 by 5:00 PM.

IT IS SO ORDERED.

DATED September 24, 1996.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the *ORDER SETTING BRIEFING SCHEDULE* was mailed on September 24, 1996, with sufficient first-class postage to the following:

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Boise, ID 83711-4449

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Environment and Natural Resources Division
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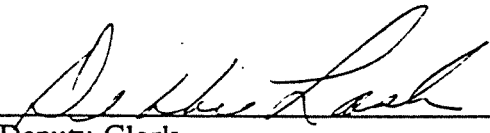

Deputy Clerk

EXHIBIT A

Subcase Nos:

36-00003A
36-00003C
36-00003E
36-00003F
36-00034B
36-00035J
36-00039C
36-00039E
36-00039J
36-00039N
36-00047
36-00061
36-00062
36-00063
36-00064B
36-00079
36-00085A
36-00086C
36-00092
36-00103F
36-00106
36-00108B
36-10283B
36-10409