

**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)	Consolidated Subcase No. 03-10022, Nez Perce Tribe Off-Reservation Instream Flow Claims
)	
Case No. 39576)	
)	
)	
)	ORDER GRANTING
)	MOTION FOR
_____)	SCHEDULING ORDER

On February 9, 2000, the Nez Perce Tribe filed a *Motion for Briefing Schedule* in conjunction with its *Motion to Set Aside All Decisions, Judgments and Orders on Instream Flow Claims Entered in Consolidated Subcase 03-10022 By Judge R. Barry Wood, and Motion to Disqualify Judge Wood*, filed February 7, 2000. The *Motion for Briefing Schedule* is **granted**.

IT IS THEREFORE ORDERED that the following briefing schedule will be set in this matter:

1. Responsive briefs be filed with the Court no later than 5:00 p.m., MST, Wednesday, February 16, 2000, and copies thereof be sent via facsimile transmission, no later than 5:00 p.m., MST, Wednesday, February 16, 2000, to K. Heidi Gudgell ((208) 843-7377) and Steven C. Moore ((303) 443-7776) for the Tribe, and Peter C. Monson ((303) 312-7379) for the United States.

2. Reply briefs be filed with the Court no later than 5:00 p.m., MST, Friday, February 18, 2000, and copies thereof be sent via facsimile transmission, no later than 5:00 p.m., MST, Friday, February 18, 2000, to Albert Barker ((208) 342-3829) for the Federal Claims Coalition, James C. Tucker ((208) 736-0041) for the Idaho Power Company, and Steven W. Strack ((208) 334-2690) for the State of Idaho.

On February 11, 2000, the Federal Claims Coalition filed *Federal Claims Coalition's Response to Nez Perce Tribe's Motion for Briefing Schedule* objecting to the proposed scheduling order. While the Court acknowledges the concerns expressed by the Federal Claims Coalition, in an effort to maintain the SRBA calendar, which is presently effected by the pending motions filed by the United States and the Nez Perce Tribe, and in fairness to all parties, the matter needs to be heard as scheduled. At the conclusion of the hearing, the Court will determine whether additional briefing is required.

In an effort to facilitate the parties' briefings on the issues raised, the Presiding Judge has filed a Disclosure, late February 11, 2000.

IT IS SO ORDERED.

DATED: February 11, 2000.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication