

2004 FEB 26 PM 4: 42

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	)	Subcase: 29-13363
	)	
Case No. 39576	)	ORDER SETTING DEADLINE
	)	
_____	)	

An objection was filed by Marsh Valley Development Inc. on November 13, 2003. The Objection did not contain a subcase number on the front of the *Standard Form Objection*. Instead, the Objection referred to an Attachment which listed multiple subcases. A Response was filed by Indian Falls Property Association on January 6, 2004, that correctly listed the subcase number 29-13363 on the front of the *Standard Form Response*. A Response was filed by Indian Falls Water Users Association on January 21, 2004, that did not contain a subcase number. The Response stated "See Item 'E' on Objectors Form" in the blank for subcase numbers.

The Court set a hearing to determine whether Indian Falls Water Users Association intended to be a party in every subcase listed in the attachment to the Objection, or whether Indian Falls Water Users Association intended to be a party and respond only to subcase number 29-13363 in which it is the claimant.

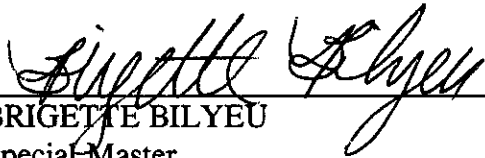
A hearing was held on February 25, 2004. Unfortunately, respondent Indian Falls Water Users Association did not appear at the hearing.

Ordinarily, it is important for parties to the SRBA to clearly list the subcase number on the front of all Standard Forms so that the SRBA clerks can docket pleadings and other documents. In the future, the SRBA Court may return pleadings or other documents if they are improperly filled out. The reason for this procedure is apparent in the file for this subcase. In this instance, it is unclear whether Indian Falls

Water Users Association intended to be a party in every subcase listed in the Objection, or whether it intended to be a party only to this subcase, and merely referred to the list from the Objection because the Standard Form asks for the water right number from the Objection. Indian Falls Water Users Association did not provide any information that would assist the Court in resolving that question.

Therefore, IT IS ORDERED THAT the SRBA clerk shall docket the Response filed by Indian Falls Water Users Association **only in subcase 29-13363**. If Indian Falls Water Users Association intends to be a party to and respond to the other subcases referred to in the Objection filed by Marsh Valley Development Inc., it must file a separate Response for each individual subcase and must list the subcase number on the front of the Response form. **The deadline for filing these additional responses is March 26, 2004.**

DATED February 26, 2004


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING DEADLINE was mailed on February 26, 2004, with sufficient first-class postage to the following:

MARSH VALLEY DEVELOPMENT INC

Represented by:

RANDALL C BUDGE

PO BOX 1391

201 E CENTER, STE A2

POCATELLO, ID 83204-1391

Phone: 208-232-6101

INDIAN FALLS PROPERTY ASSN

C/O EARL MAPES

1061 SAGEWOOD PLACE

POCATELLO, ID 83201

Phone: 208-233-1713

INDIAN FALLS WATER USERS ASSOC

PHIL HUDGENS PRESIDENT

PO BOX 134

LAVA HOT SPRINGS, ID 83246

Phone: 208-589-1158

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098