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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2004 APR 9 PM 3 06

**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	)	Subcases: 36-10033, 36-10035, 36-10037, 36-10090,
	)	36-10863A, 36-11643, 36-15152, 36-15264A, 36-15264B,
	)	36-15356A, 36-16123 and 36-16124
	)	
	)	
Case No. 39576	)	ORDER STAYING CHALLENGE ON
	)	CONSOLIDATED SUBCASES UNTIL FURTHER
	)	ORDER OF COURT
	)	
	)	

I.

PROCEDURAL BACKGROUND

On March 22, 2004 the Court issued an *Order Conditionally Staying Challenge on Consolidated Subcases*. The purpose of the *Conditional Stay* was to allow the parties an opportunity to identify issues in these consolidated subcases which are not the same as the issues involved in A&B Irrigation District, subcases 36-02080 *et al*. The A&B Irrigation District cases are currently on appeal before the Idaho Supreme Court. The parties in these subcases had until April 7, 2004, to identify in a written statement filed with the Court any issues involved in the consolidated subcases other than the common issue involving the priority date based on the repeal and simultaneous enactment of the amnesty statutes, I.C. 42-1416 and I.C. 42-1426. Any issues not disclosed by the parties would be deemed waived following a decision by the Idaho Supreme Court in the A&B Irrigation District cases. A *Statement of Clarification of Issue on Challenge* was filed by Claimants on April 7, 2004, stating that a decision in the A&B Irrigation

District cases will decide the outcome of Claimant's Challenge. The Court is therefore satisfied that a ruling in the A&B Irrigation District cases will be dispositive of the issues raised herein.

**II.
ORDER**

Based on the foregoing, it is **HEREBY ORDERED** that the Challenges filed in the above consolidated subcases are **STAYED** pending a ruling from the Idaho Supreme Court in the A&B Irrigation District cases and until further order of this Court.

DATED April 9, 2004.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER STAYING CHALLENGE ON CONSOLIDATED SUBCASES UNTIL FURTHER ORDER OF COURT was mailed on April 09, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

DALE H. KLINGLER
NORTH RIDGE LLC
ROSS HUNSAKER
SAM C. LARGE
SAMUEL & MARGARET LARGE

Represented by:
DAVID F. SHIRLEY
137 WEST 13TH STREET
PO BOX 910
BURLEY, ID 83318
Phone: 208-678-8382

ABERDEEN-AMERICAN FALLS GROUND
BINGAHM GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
JOINT RESPONSE
MACK NEIBAUR
MACK NEIBUAR
MAGIC VALLEY GROUND WATER DIST
RALPH E BREDDING
TIM DEEG

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DALE H. KLINGLER
KENT HARMAN
ROOST POTATO CO.
SALMON FALLS LAND & LIVESTOCK
SALMON FALLS LAND AND LIVESTOC
W.H. AND VELVA MOLLER

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

BLAINE COOK
OWYHEE RANCHES INC
C/O STEVE YOUNG
PO BOX 707
RUPERT, ID 83350

ROOST POTATO CO. INC.
CALVIN JONES, PRESIDENT
952 SOUTH 1400 EAST
EDEN, ID 83325
Phone: 208-420-2921

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DANIEL L WILLIE
1017 S 1150 E
EDEN, ID 83325

MARILYN L PHILLIPS
VERNON C PHILLIPS
282 N 750 W
PAUL, ID 83347

JACK HARMAN
461A E 1500 N
RUPERT, ID 83350

BRUCE HUNSAKER
DEON COOK
REBECCA HUNSAKER
501 RIVERSIDE DR
BURLEY, ID 83318
Phone: 208-678-0327

W H & VELVA MOLLER
824 6TH ST
RUPERT, ID 83350
Phone: 208-436-3333

ORDER

Page 1 4/09/04

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