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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 | ) | <b>ORDER STAYING CHALLENGE ON</b>                    |
|                | ) | <b>CONSOLIDATED SUBCASES UNTIL FURTHER</b>           |
|                | ) | <b>ORDER OF COURT</b>                                |
|                | ) |                                                      |
|                | ) |                                                      |

**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:

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ORDER

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