

2004 JUN 29 PM 12:17

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	)	ORDER STAYING
	)	LITIGATION PENDING CHALLENGE
Case No. 39576	)	IN SUBCASE 25-13635 <i>et al.</i>
	)	
	)	FOR WATER RIGHTS: 78-10996,
	)	78-11080, 78-12022, 78-10968, 78-10972
	)	

On June 28, 2004, the United States filed a *Motion to Alter or Amend and to Stay Litigation* in the above-captioned subcases. The Special Master filed a *Special Master's Report and Recommendation* in the above subcases on May 24, 2004. In the *Report*, the Special Master denied the United States, Department of Interior, Bureau of Land Management's claims to water based upon the federal reservation of Public Water Reserve (PWR) No. 107. As grounds for the current motion before the Special Master, the United States incorporated its *Amended Motion to Alter or Amend* filed in subcases 25-13635, 25-13637, 25-13653, 65-19960, 65-19962 on May 2, 2003.

The Special Master previously ruled that a pending homestead application defeated a reservation under PWR 107 in subcases 25-13635, 25-13637, 25-13653, 65-19960, 65-19962. The Special Master denied the United State's *Motion to Alter or Amend* in subcases 25-13635, *et al.*, on May 24, 2004. The United States has filed a *Challenge Notice* in subcases 25-13635, *et al.*, and that case is currently before this Court to resolve the legal issue of the effect of a pending homestead application on PWR 107.

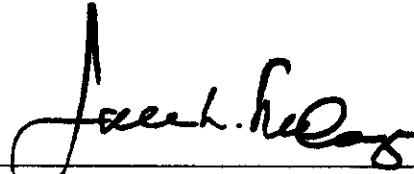
The Special Master has denied the *Motion to Alter or Amend* in the above captioned subcases and recommended that the litigation in be stayed.

The United States has asserted, and this Court agrees, that the legal issue in question in

the above-captioned subcases is identical to that in subcases 25-13635, *et al.* A pending decision by the Court in subcases 25-13635, *et al.*, will be applicable in the above subcases.

THEREFORE IT IS ORDERED the *Motion for Stay* be **granted** pending the Court's decision in subcases 25-13635, *et al.*

DATED: June 29, 2004.

A handwritten signature in black ink, appearing to read "John M. Melanson", is written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER STAYING LITIGATION PENDING CHALLENGE IN SUBCASE 25-13635 ET AL. was mailed on June 29, 2004, with sufficient first-class postage to the following:

USDI BLM

Represented by:

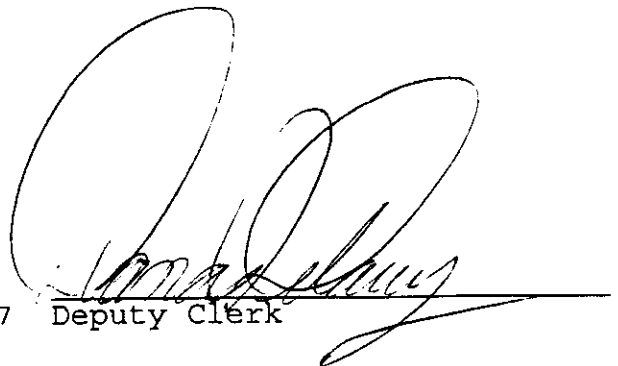
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

ORDER

Page 1 6/29/04

FILE COPY FOR 00017 Deputy Clerk

A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line. The signature is cursive and somewhat abstract, with a large loop at the top.