

AUG 12 2002

Department of Water Resources

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Attorneys for Margaret Hagenbarth, David J. Hagenbarth and James F. Hagenbarth

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

Case No. 39576

Subcase Nos. 31-00066A, 31-00066B, 31-
00067A, 31-00067B, and 31-324

**UNOPPOSED MOTION FOR
PERMISSIVE REVIEW AND
UNOPPOSED MOTION FOR STAY**

Objectors James F. Hagenbarth, David J. Hagenbarth, and Margaret Hagenbarth

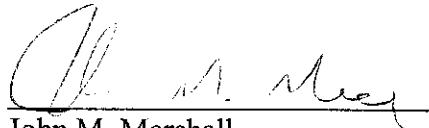
("Objectors" or "Hagenbarth") respectfully request a Recommendation from the Special Master in the above-captioned subcases that the Presiding Judge take permissive review of the Court's July 29, 2002 Order on Motion to File Late Objection ("Order") that grants the Motions for Late Objection filed by the Mud Lake Water Users, Inc. ("Mud Lake").

Permissive review is appropriate in this instance because the issues involved in the Order largely would become moot if the Court delayed review of the Order until after a trial. Hagenbarth respectfully disagrees with the Court's Order and believes that Mud Lake should not be allowed to file late objections in these subcases. Hagenbarth seeks to avoid the expense of a trial and pretrial preparation in the event that the Presiding Judge determines that Mud Lake's Motions should not have been granted.

In fairness to both parties, Hagenbarth also requests a temporary stay of the proceedings in these subcases pending a ruling by the Presiding Judge so that the parties do not unnecessarily incur pretrial expenses.

Counsel for Hagenbarth has consulted counsel for Mud Lake, and Mud Lake does not oppose either the Motion for Permissive Review or the Motion for Stay.

Respectfully submitted this 9th day of August, 2002.

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

John M. Marshall
Givens Pursley LLP
Attorney for Hagenbarths

CERTIFICATE OF MAILING

I certify that on this 9th day of August 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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☒ Facsimile
☐ Hand Delivery
☐ Overnight Mail

Jerry R. Rigby
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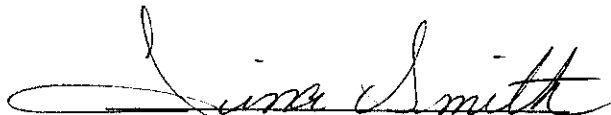
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Tina Smith