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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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**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

)
) **Consolidated Subcase 35-02315**
)
) **ORDER GRANTING MOTION**
) **TO STAY PROCEEDINGS**

On December 16, 2002, claimant / objector Aberdeen-Springfield Canal Company filed its *Motion to Stay Proceedings* in the above consolidated subcase "until such time as the Idaho Department of Water Resources has filed with the SRBA District Court its Recommendations for the surface water rights in Basin 01 and a resolution of the claims of Aberdeen-Springfield Canal Company for surface water rights in Basin 01 or until further order of the Court, as contemplated by the agreement attached hereto and submitted in support hereof as Exhibit 'B', entered into between Aberdeen-Springfield Canal Company, the State of Idaho, and the Idaho Department of Water Resources."

On December 26, 2002, counsel for the Twin Falls and North Side Canal Companies filed their *Response to Claimant-Objector's Motion to Stay* stating they do not oppose the *Motion*, but they "preserve its right to challenge the Settlement Agreement that was only recently disclosed and provided to all parties." On December 31, 2002, counsel for Diane Deeg, Jim Lehman and Ray Duffin filed their *Notice of Nonopposition to Motion to Stay Proceedings*.

A hearing on the *Motion* was held on January 2, 2003, at the SRBA Courthouse in Twin Falls, Idaho. Roger D. Ling appeared by telephone for Aberdeen-Springfield Canal Company; David J. Barber appeared for the State of Idaho; John K. Simpson appeared for the Twin Falls and North Side Canal Companies; Josephine P. Beeman appeared for Diane Deeg, Jim Lehman and Ray Duffin; and Candice M. McHugh appeared for IDWR, along with David R. Tuthill, Jr. No one opposed the *Motion*. Mr. Tuthill announced that IDWR expects to file its director's report for Basin 01 by the end of 2004.

THEREFORE, IT IS ORDERED that:

1. The *Motion to Stay Proceedings* in consolidated subcase 35-02315 is **granted**. All court proceedings, including formal discovery, are hereby stayed until IDWR files its director's report for Basin 01 and resolution of the Aberdeen-Springfield Canal Company claims for surface water rights in Basin 01, or until further order of the Court, and
2. IDWR shall initiate a joint status report on consolidated subcase 35-02315 to be signed by all the parties and filed with the Court no later than **Friday, January 7, 2005**.

DATED January 2, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO STAY PROCEEDINGS was mailed on January 03, 2003, with sufficient first-class postage to the following:

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