

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: 37-2499 et al.
) (Comprising Subcases in Exhibit A)
)
) ORDER SEPARATING AND CONSOLIDATING COMMON
) ISSUE FROM SUBCASES; AOI §§ 11 AND 16, I.R.C.P. 42;
) ORDER FOR MORE DEFINITE STATEMENT; AND NOTICE
) OF HEARING ON WHETHER TO DESIGNATE AS
) BASIN-WIDE ISSUE AND SCHEDULING
)

This matter came before the Court pursuant to objections filed by Faulkner Land & Livestock on behalf of North Snake Ground Water District (NSGWD) to each of the 346 water rights recommended as allowed in the *Basin 37, Part 1, Groundwater Director's Report*. The objections are identical and seek to incorporate terms of the Swan Falls Agreement into the 346 *Partial Decrees* as either remarks or as a general provision. Specifically, the objections state:

This water right must be decreed with the appropriate remarks and/or general provisions necessary to incorporate the protections accorded by the October 25, 1984 Swan Falls Agreement, the October 25, 1984 Swan Falls Contract, the 1982 State Water Plan as amended in 1985 (hereinafter jointly referred to as the Swan Falls Agreement), and other related law. Such remarks and/or general provisions are necessary to define the right, and or clarify the elements of the right, and/or administer the right.

Because of the number of the objections, the potential for the same issue to be raised in subsequent *Director's Reports*, and because the objections involve an issue of law, the Presiding Judge intends to preside over the matter. This will also promote an early resolution of the matter as opposed to proceeding in individual subcases and potentially before different Special Masters. In the event the Court determines to proceed as a general provision, any delays in issuing partial decrees occasioned by an appeal will also be avoided.

THEREFORE, THE FOLLOWING ARE ORDERED:

1. **ORDER SEPARATING AND CONSOLIDATING ISSUE:** Pursuant to AOI § 11 and I.R.C.P. 42, the 346 objections to the water rights listed in Exhibit A pertaining to the above-referenced issue are hereby consolidated for resolution as consolidated subcase 37-2499. The remaining unrelated objections that were also filed in 19 of the 346 subcases will be referred to a Special Master for resolution by a separate order of reference.
2. **FILING/SERVICE OF MORE DEFINITE STATEMENT BY OBJECTOR:** The Objector, NSGWD, shall file with the Court and serve on the parties to subcases in which the objections were filed, a more definite statement containing the specific language NSGWD proposes to be included as either a remark in the partial decrees or as a general provision. Said filing and service shall be made by 5:00 p.m., January 10, 2003.

RECEIVED

NOV 29 2002

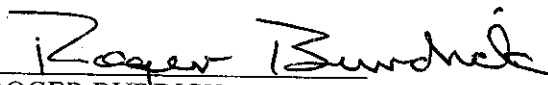
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FILED

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

3. **RESPONSES BY PARTIES INTENDING TO PARTICIPATE:** For purposes of determining the number of parties intending to participate in the issue and identifying and aligning issues, any party to the SRBA intending to participate in the proceedings shall file a response with the Court and serve a copy on NSGWD no later than **5.p.m. February 10, 2003**. The response should address whether or not to designate the issue as basin-wide and state that party's position on the substance of the objection. Parties to the individual subcases who previously filed responses to the objection will be deemed parties to the consolidated subcase.
4. **NOTICE OF HEARING:** An initial hearing will be held on the matter on **February 18, 2003 at 1:30 p.m. at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho.** Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted. At the hearing the Court will determine whether or not to designate the matter as a basin-wide issue. The Court will require that NSGWD set forth with particularity the reasons for the relief being sought and the scope of additional water rights, if any, to which the objection may be raised in the future. The Court will also request comment from IDWR as well as address scheduling matters.
5. **NOTICE TO PARTIES:** Notice of this hearing will be by both docket sheet and service to parties to the 346 individual subcases. Following the hearing only those parties intending to participate in the issue will receive notice by service.

DATED 11-25-02

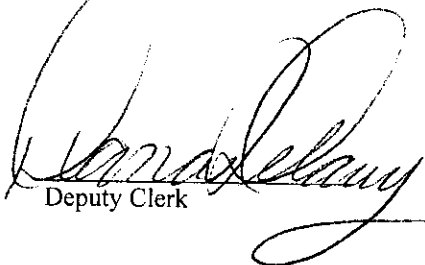

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that on Nov. 26, 2002, I mailed copies of the ORDER SEPARATING AND CONSOLIDATING COMMON ISSUE FROM SUBCASES; A01 §§ 11 AND 16, I.R.C.P. 42; ORDER FOR MORE DEFINITE STATEMENT; AND NOTICE OF HEARING ON WHETHER TO DESIGNATE AS BASIN-WIDE ISSUE AND SCHEDULING by first-class mail, postage paid to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702
Representing Faulkner Land & Livestock Co., Inc.


Deputy Clerk

All Claimants to Water Rights Listed on Exhibit A
ORDER OF CONSOLIDATION AND NOTICE OF HEARING
G:\Orders Pending\BW137P1.doc

EXHIBIT A

Subcase Nos:

37-02444	37-02729	37-07191	37-07419D	37-07621D	37-08145
37-02499	37-02733	37-07194	37-07420A	37-07621E	37-08212
37-02513	37-02740	37-07197	37-07420B	37-07621F	37-08289
37-02514	37-02753	37-07198B	37-07421	37-07621G	37-08690
37-02515A	37-02760	37-07198C	37-07432	37-07629	37-10019
37-02515B	37-02761A	37-07198D	37-07435A	37-07634	37-10053
37-02515C	37-02761B	37-07199	37-07435B	37-07639A	37-10055
37-02517	37-02804A	37-07205	37-07438	37-07639B	37-10087
37-02519	37-02804B	37-07213	37-07440A	37-07649	37-10088
37-02526A	37-04039	37-07214	37-07440B	37-07650	37-10117
37-02526B	37-04051	37-07221	37-07447A	37-07662	37-10119
37-02527A	37-04052	37-07231	37-07447B	37-07670	37-10121
37-02527B	37-04078	37-07232	37-07453	37-07677	37-10129
37-02531A	37-04080	37-07242	37-07454	37-07679	37-10142
37-02532A	37-04084	37-07247	37-07457	37-07694	37-10158
37-02532B	37-04085	37-07252A	37-07458A	37-07695	37-10161
37-02549	37-04087	37-07252B	37-07458B	37-07699	37-10172
37-02550	37-04111	37-07255	37-07469	37-07700	37-10198
37-02558	37-04173	37-07259	37-07470	37-07716	37-10211
37-02564	37-04229	37-07260	37-07473	37-07726	37-10216
37-02592C	37-04263	37-07264	37-07475	37-07755	37-10217
37-02592D	37-04273	37-07278	37-07476	37-07757	37-10223
37-02592E	37-04274	37-07279	37-07480	37-07761A	37-10237
37-02592F	37-04305	37-07313	37-07484	37-07761B	37-10238
37-02605	37-04306	37-07314	37-07488	37-07766	37-10244
37-02622	37-04309	37-07315A	37-07491	37-07768	37-10254
37-02626	37-04317	37-07315B	37-07498	37-07770	37-10271
37-02644A	37-04328	37-07316	37-07504	37-07772	37-10315
37-02645	37-04344	37-07331	37-07517	37-07805	37-10317
37-02647	37-04373	37-07337	37-07531	37-07814	37-10363
37-02654	37-04374	37-07338	37-07533A	37-07816	37-10446
37-02657A	37-04390	37-07343	37-07533B	37-07837	37-10450
37-02657B	37-04391	37-07357	37-07538	37-07877A	37-10477
37-02660	37-04401	37-07363	37-07545	37-07942	37-10555
37-02663	37-04419	37-07370	37-07547	37-07949	37-10597
37-02666	37-07001	37-07376	37-07551	37-07952	37-10604
37-02667	37-07003	37-07379	37-07570	37-08005B	37-10609
37-02669	37-07005	37-07380A	37-07572	37-08005C	37-10621
37-02670	37-07009	37-07380C	37-07575	37-08005D	37-10632
37-02675	37-07012	37-07380D	37-07576	37-08007	37-10646
37-02676	37-07051	37-07381	37-07581	37-08010	37-10681
37-02679	37-07072	37-07385A	37-07591	37-08054	37-10689
37-02680A	37-07078	37-07385B	37-07593A	37-08055	37-10809
37-02680B	37-07081	37-07388	37-07593B	37-08060	37-10896
37-02687A	37-07089	37-07394	37-07597	37-08061	37-10903
37-02687B	37-07092	37-07412	37-07600	37-08065	37-10907
37-02697	37-07149	37-07415A	37-07602	37-08093	37-10910
37-02704	37-07157	37-07415B	37-07617A	37-08108	37-10953
37-02719	37-07160	37-07419B	37-07617B	37-08112	37-11006
37-02724	37-07189	37-07419C	37-07620	37-08138	37-11054

(Subcase list: BEEMAN)
11/25/02

EXHIBIT A

Subcase Nos:

37-11190
37-11199
37-11202
37-11203
37-11221
37-11376
37-12380
37-12434
37-12535
37-12773
37-12787A
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