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Department of Water Resources

Attorneys for Twin Falls Canal Company, North Side Canal Company

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	)	Consolidated Subcase Nos. 35-02315
	)	
Case No. 39576	)	RESPONSE TO CLAIMANT-
	)	OBJECTOR'S MOTION TO STAY
	)	
_____	)	

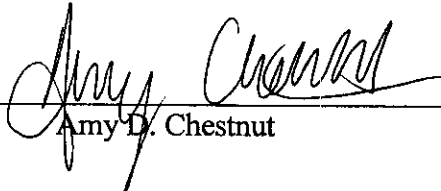
Twin Falls Canal Company and North Side Canal Company (herein "Canal Companies"), by and through their attorneys of record, Barker Rosholt & Simpson LLP, hereby submits this response to the Court. The Canal Companies do not oppose the Claimant-Objector, Aberdeen-Springfield Canal Company's motion to stay these proceedings. However, procedural issues are raised in light of this motion such as the timing for the Canal Companies to respond to the *Settlement Agreement Regarding Aberdeen-Springfield Canal Company's Basin 01 Surface Water Rights and Consolidated SRBA Subcase No. 35-2315* ("Settlement Agreement") that was submitted to the Court as Exhibit B to the Claimant-Objector's *Motion to Stay*. The Canal Companies hereby preserve its right to challenge the Settlement Agreement that was only recently disclosed

and provided to all parties. As a result, there has not been adequate time for sufficient review of the document by the Canal Companies' expert. Respondents additionally preserve the right to submit expert testimony and documentation in regards to this Settlement Agreement as well as any and all issues related to this subcase.

If the Court so desires to enter an order consistent with this response, approving the Motion to Stay while preserving the rights of parties to object to the Settlement Agreement and to continue with discovery, then the Canal Companies would be in agreement to vacating the hearing set for January 2 regarding this motion.

Respectfully submitted this 26th day of December, 2002.

BARKER ROSHOLT & SIMPSON, LLP



Amy D. Chestnut

CERTIFICATE OF MAILING

I hereby certify that on this 26th day of December, 2002, I served a copy of the foregoing RESPONSE TO CLAIMANT-OBJECTOR'S MOTION TO STAY, by depositing the same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Roger Ling
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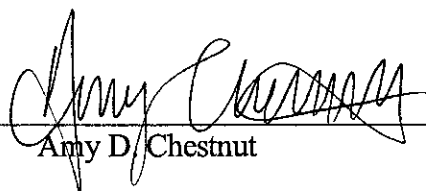
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