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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2009 APR 6 PM 4 56
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APR 08 2009
DEPARTMENT OF
WATER RESOURCES

**IN THE COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	Subcase Nos.: 75-2091E, 75-2091H, 75-
	)	2091K, 75-2091L, 75-
	)	2091M, 75-2091N
Case No. 39576	)	
	)	MOTION TO STAY PROCEEDINGS
	)	AND NOTICE OF HEARING &
	)	STATUS CONFERENCE
	)	
	)	
	)	

COMES NOW, Joseph and Shirley Hoy, by and through their attorneys of record, Barker Rosholt & Simpson, LLP, and move this Court for an order staying the proceedings in the above captioned water rights. As discussed below, these water rights, which are all derived from the same original license, are implicated by the proceedings in relation to water right 36-2091D.

MOTION TO STAY

The Court should stay the proceedings in water rights 75-2091E, 75-2091H, 75-2091K, 75-2091L, 75-2091M and 75-2091N. All water rights derive from the licensed right 75-2091. Water Right 75-2091 was originally licensed with a priority date of September 1, 1932, and authorized the irrigation of 25 acres within a 70 acre parcel. As originally developed, a

particular 25 acres within the original parcel were irrigated. The remaining acres were either forested land or otherwise not irrigable due to rough or steep terrain.

Beginning in approximately 1973, the original 70 acre parcel was subdivided into 17 individual lots. Given that only 25 of the original 70 acres were irrigated, some lots did not have any irrigable acres. Mr. and Mrs. Hoy, claimants to water right 75-2091D, purchased lot 8 in 1992. Lot 8 has 4.5 irrigable acres.

On October 22, 2008, the Special Master Dolan issued his *Special Masters' Report & Recommendation* for water rights 75-2091D, 75-2091E, 75-2091H, 75-2091K, 75-2091L and 75-2091M. On February 5, 2009, Special Master Dolan granted Mr. and Mrs. Hoy's *Motion to Alter or Amend* water right 75-2091D. Mr. and Mrs. Hoy's water right authorizes 2.5 acres of irrigation.

Water right 75-2091N is a late claim seeking additional water under water right 75-2091. It is Mr. and Mrs. Hoy's understanding that, should the department recommend this right, all water under the original right (75-2091) will have been recommended.

Mr. and Mrs. Hoy have filed their *Motion to Alter or Amend*, seeking to correct the recommendation for their water right.¹ However, any change to their water right necessarily implicates the above water rights.

Mr. and Mrs. Hoy have been advised by the Department that a representative will go to the Hoy's property and review the irrigated acres and points of diversion for the 75-2091 water rights.

Mr. and Mrs. Hoy recently hired the law firm Barker Rosholt and Simpson to assist them in these proceedings. However, given the status of these proceedings, a stay is appropriate to allow Mr. and Mrs. Hoy sufficient time to research this matter and for the Department to conduct

¹ They will also submit a *Motion to Amend Claim* prior to the April 30, 2009, status conference.

a site investigation. Accordingly, Mr. and Mrs. Hoy seek a stay of all proceedings related to the above water rights.

NOTICE OF HEARING & STATUS CONFERENCE

Currently, a status conference has been set for water right 75-2071D for April 30, 2009 at 11:00 am. Mr. and Mrs. Hoy will raise their *Motion to Stay Proceedings* at that Status Conference. All parties may participate by either appearing in person at the SRBA Courthouse, at 253 3rd Ave. North, Twin Falls, Idaho or by calling 1-225-383-1099 and using conference code 654400.

Dated this 6th day of April, 2009.

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'Travis L. Thompson', is written over a horizontal line.

Travis L. Thompson
Paul L. Arrington

Attorneys for Joseph and Shirley Hoy

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2009, I served a true and correct copy of the foregoing **MOTION TO STAY PROCEEDINGS AND NOTICE OF HEARING & STATUS CONFERENCE** on the person(s) listed below, in the manner indicated:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Dennis C. Bryant (75-2091E)
Represented by:
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Kathy B. Bryant
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Gary A. Egeland (75-2091K)
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Judy K. Bullard (75-2091L)
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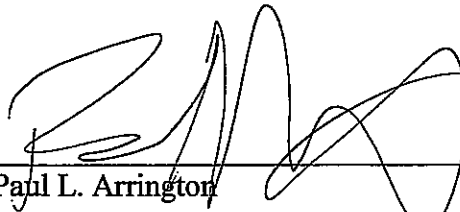
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Marion Ann Jefferson (75-2091M)
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Paul L. Arrington