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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUN 26 2009
Clerk Deputy Clerk

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

ORDER ON MOTION
TO CONSOLIDATE

SUBCASE NOS.: 22-2280E, 22-13167,
and 22-13169

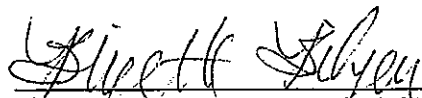
A *Motion to Consolidate* was filed by Michael Reid on April 22, 2009. A hearing was held on June 24, 2009. The *Motion* seeks to consolidate subcases 22-2280E, 22-13167, and 22-13169. Mr. Reid's *Motion* explains "[t]he reason would be to save court time and resources, and to allow witnesses to testify once instead of 3 times." *Motion to Consolidate*.

At the hearing, Mr. Reid explained that he was also concerned about needing to respond to Discovery requests for each subcase. Counsel for Trees Inc. and Cedron Irrigation Corp. pointed out that these subcases are already informally consolidated for trial along with subcases 22-13135, 22-13212 and 22-13503. Furthermore, Discovery typically requires a party to provide answers as to each element of each subcase. Consolidation would not substantially change Discovery requirements.

THEREFORE, IT IS ORDERED that the *Motion to Consolidate* is **granted**, in part and **denied**, in part. The court **grants** the *Motion* in part, to the extent that these subcases are already informally consolidated for trial on October 7-9, 2009. Parties will thus be able to have a witness testify a single time to facts that apply to multiple subcases. However, the court notes that parties are responsible for making the record clear as to how testimony and evidence relates to each individual subcase.

The court **denies** the *Motion* in part, to the extent that the movant is seeking changes to the Discovery process. In general, parties should provide answers for each subcase. However, the court is prepared to hear specific motions regarding Discovery if the need arises.

DATED: June 26, 2009.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON MOTION TO CONSOLIDATE was mailed on June 26, 2009, with sufficient first-class postage to the following:

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