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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 25 2010
By _____ 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	)	JOINT ORDER RE: SEPARATING AND CONSOLIDATING
	)	COMMON ISSUES FROM SUBCASES ON <u>EXHIBITS A</u>
	)	
	)	JOINT ORDER DESIGNATING <u>SUBCASE NO.: 00-92020</u>
	)	
Case No. 39576	)	DEADLINE FOR PARTIES TO FILE STATEMENT OF
	)	ISSUES
	)	
	)	NOTICE SETTING ADDITIONAL SCHEDULING
	)	CONFERENCE

The parties to multiple subcases in Basins 01, 21, 22, 27, and 35 filed *Coalition's Motion to Consolidate Subcases Before Special Master Bilyeu*. The *Motion* asked the Court to order the bifurcation and consolidation of common issues relating to theories of "recovered water" or "recharge" in the subcases.

The claimants seek to divert water from wells under theories of "recovered water" or "recharge," which theories would connect the wells to earlier surface water used by irrigation entities. Most of the claims are based on licenses which determined the elements of the water rights.

The subcases which raise these issues are currently pending before both Special Masters Bilyeu and Dolan. The parties are thus currently preparing for hearings before both Special Masters. For some purposes, that is appropriate and necessary. For example, if the factual basis for each claim or group of claims relies on different facts, the parties would likely need to prepare for each hearing individually. However, if certain overarching issues are identified, it may be appropriate to consider managing these subcases in a more efficient manner. If common issues are identified, they could be bifurcated and consolidated before one Special Master.

Alternatively, the issues could be consolidated before Presiding Judge Wildman to expedite the process.

Both Special Masters recognize the potential for identifying such issues. Consequently, these subcases have proceeded on parallel tracks for some time. Often the subcases referred to Special Master Dolan have been scheduled for hearing within a day of the subcases scheduled before Special Master Bilyeu. Where subcases are pending before two Special Masters, the parties have filed duplicate pleadings and prepared for two status conferences and hearings. If both groups of subcases raise common questions of law and fact, it would be useful to identify those issues for purposes of case management.

THEREFORE, THE FOLLOWING DEADLINES ARE HEREBY ORDERED:

1. The Parties shall file written statements in Subcase No. 00-92020 of those issues they contend are common to multiple subcases no later than November 19, 2010. The parties shall also list the particular subcases involved in each issue.
2. For each issue, the Parties shall indicate whether all parties are in agreement that the issue is common to those subcases.
3. For each issue, the Parties shall indicate whether the issue is appropriate for summary judgment. The Parties shall also describe the sequence in which they recommend the issues be determined.
4. Notice of Additional Scheduling Conference: Notice is hereby given that an additional hearing will be conducted for purposes of scheduling further matters relating to the case management of the "recovered water" and "recharge" subcases on November 29, 2010 at 3:00 pm at the SRBA Courthouse, 253 - 3rd Avenue North, Twin Falls, Idaho.

Parties may participate by telephone for the Additional Scheduling Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the clerk's office at (208)736-3011

Dated: October 25, 2010.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

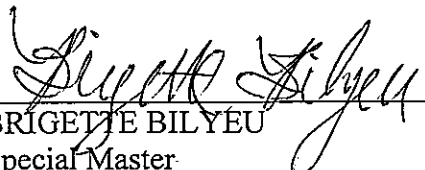

BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A

ALLREC

Subcase Nos:

01-00001J	01-10472	21-10286	22-00513	22-11003	35-04246
01-00002A	01-10474	21-10463	22-00514	22-11004	
01-00047E	01-10475	21-10527	22-00537C	22-11044	
01-00048	01-10476	21-10560	22-00538C	22-11070	
01-00052A	01-10477	21-10890	22-00549	22-11185	
01-00052B	21-00048	21-10892	22-00591	22-11259	
01-00053A	21-00049	21-10921	22-00592	22-11260	
01-00092A	21-00060B	21-10930	22-00593	22-11329	
01-00092B	21-00073B	21-10944	22-00594	22-11666	
01-00116BB	21-00073D	21-11088	22-00656	22-12520	
01-00131A	21-00073F	21-12358	22-00658	22-12647	
01-00132A	21-00073J	21-12858	22-00659	22-12656	
01-00133A	21-00075	21-12889	22-00660	22-13164	
01-00141	21-00109C	21-12896	22-00673	22-13165	
01-00146A	21-00141	21-12902	22-02131	22-13343	
01-00146B	21-00148	21-12908	22-02147	22-13344	
01-00147	21-00159	21-12910	22-02171	22-13347	
01-00148	21-00165	21-12911	22-02180	22-13388	
01-00157A	21-02000	21-12912	22-02192	22-13412	
01-00157B	21-02035	21-12919	22-02200	22-13461	
01-00158B	21-02037	21-12921	22-02222	22-13466	
01-00193A	21-02103	21-12923	22-02226	22-13467	
01-00193B	21-02118	21-12934	22-02287	22-13468	
01-00232	21-02119	21-12946	22-02294	22-13469	
01-00247	21-02121	21-12952	22-02303B	22-13470	
01-00259	21-02122	21-12954	22-07015	22-13471	
01-00260	21-02129	21-12955	22-07022	22-13472	
01-00261	21-02154	21-12957	22-07032	22-13475	
01-00263	21-02156	21-12961	22-07035	22-13480	
01-00264	21-02161	21-13018	22-07057	22-13505	
01-00266	21-04114	21-13019	22-07174	22-13506	
01-00298	21-04155	22-00163A	22-07190	22-13522	
01-00304	21-07007	22-00195	22-07198	22-13592	
01-00306	21-07024	22-00196	22-07204	27-02125A	
01-00324	21-07027	22-00205	22-07207B	27-02126	
01-04046	21-07033	22-00207A	22-07225	27-07005	
01-04047	21-07046	22-00235	22-07236	27-07065	
01-04049	21-07049	22-00344	22-07259	27-07089	
01-04051	21-07050	22-00354	22-07269	27-07093	
01-04061	21-07060	22-00421	22-07276	27-07095	
01-10046	21-07089	22-00422	22-07287	27-07098	
01-10048	21-07104	22-00454	22-07324	27-07260	
01-10049	21-07138	22-00455	22-07326	27-07306	
01-10050	21-07152	22-00456	22-07440	27-07315	
01-10057	21-07170	22-00457	22-07593	27-07561	
01-10060	21-07173	22-00469	22-07672	35-02315	
01-10062	21-07175	22-00476	22-10170	35-02543	
01-10091	21-07194	22-00477	22-10775	35-02670B	
01-10092	21-07300A	22-00492	22-10904	35-02670C	
01-10471	21-07564	22-00512	22-10906	35-02670D	

(Subcase list: ALLREC)

10/22/10

CERTIFICATE OF MAILING

I certify that a true and correct copy of the JOINT ORDER SEPERATING AND CONSOLIDATING COMMON ISSUES, DESIGNATING SUBCASE NUMBER, DEADLINE AND NOTICE OF HEARING was mailed on October 25, 2010, with sufficient first-class postage to the following:

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