

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 12 2012

By _____ Clerk

AL DISTRICT OF THE 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 REGARDING MOTION TO
STRIKE OBJECTOR'S RESPONSES
TO REQUESTS FOR ADMISSION**

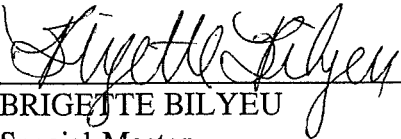
SUBCASE NO.: 37-21112

The claimant Marathon Partners LLC filed a *Motion to Strike Objector's Joint Responses to Requests for Admission* on January 3, 2012. A hearing was held on January 11, 2012. At the hearing, the claimant Marathon Partners and the Objectors agreed to the following resolution of the *Motion*.

1. Big Wood Canal Co., Tom O Gara, Bill Molyneux, Gerald Bashaw, Grace Eakin, John Stevenson, Pepin Corso-Harris, Pete Van Der Meulen, and Rocky Sherbine (hereafter “Objectors”) do not have any objections to foundation for the proposed Exhibits referred to on Exhibit 3, p. 2 to the *Affidavit of James P. Speck*.
2. The Objectors may have objections to relevance on those documents.
3. Request for Admission No. 13, which was not an attachment to the *Affidavit of James P. Speck*, relates to the identity of the root right from which 37-21112 was split. The Objectors do not contest that water rights 37-21114 and 37-21112 were split from the same root right which was identified at the hearing as 37-12818A. The claimant and the Objectors agreed that IDWR would need to confirm the correct root right number, and that the parties would not contest that once confirmed by IDWR.
4. Request for Admission No. 5, which was not an attachment to the *Affidavit of James P. Speck*, relates to a map illustrating the place of use for several water rights, including 37-21112. The Objectors do not have any foundation objections to the related map if offered for illustrative purposes.

The parties discussed additional pretrial matters including the identity of witnesses and exhibits. The parties also agreed to contact IDWR to further discuss whether a proposed remark regarding conveyance could be added to the "Explanatory Material" field, which is not part of the elements of the water right. The trial in this matter is scheduled for January 18, 2012.

Dated: January 12, 2012.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING MOTION TO STRIKE OBJECTOR'S RESPONSES TO REQUESTS FOR ADMISSION was mailed on January 12, 2012, with sufficient first-class postage to the following:

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