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Department of Water Resources
Adjudication Bureau

1 City of Burley, Movant
2 PARSONS, SMITH, STONE & FLETCHER
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7 Attorneys for Movant, City of Burley
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10 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
12 -----

13 In Re SRBA)
14 Case No. 39576) Subcase Number 36-04080
15) MOTION FOR STAY
16 -----

17 DESCRIPTIVE SUMMARY

18 The City of Burley files this motion for a Stay Order on
19 the objections and responses thereto filed and the Director's
20 Report on the City of Burley Municipal rights in Basin 36 as
21 evidenced by number 36-04080.

22 MOTION

23 COMES NOW, The City of Burley and moves for an Order
24 staying the proceedings on sub case 36-04080 until the Report of
25 the Director is filed on the remaining claims of the City of
26 Burley located in Basin 45, in the above entitled case so that

1 all objections and responses thereto may be determined in one
2 action.

3 This motion is based upon the grounds and for the reasons
4 that the City of Burley is a municipal corporation located in the
5 Counties of Cassia and Minidoka, Idaho. A portion of the City
6 of Burley is located in one basin (36) and a portion of the City
7 is located in the other basin (45). In the interests of
8 economy, methodology, measuring consumptive use, and all other
9 matters pertaining to the water it is appropriate that all of the
10 water rights of the City be adjudicated in one proceeding and not
11 multiple proceedings. Prejudice would potentially result to the
12 City by the bifurcation of water right issues.

13 The City is informed and believes in support of the
14 motion that the Idaho Department of Water Resources has no
15 objection to this motion nor does any other party appearing in
16 this subcase.

17 DATED this 10th day of March, 1994.

18 PARSONS, SMITH, STONE & FLETCHER

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20 
21 William A. Parsons
22 Attorneys for Movant
23 137 West 13th Street
24 P. O. Box 910
25 Burley, Idaho 83318

26 CERTIFICATE OF MAILING

I hereby certify that on the 11th day of March, 1994, I
served a copy of the foregoing Motion For Stay upon the
following:

1 Josephine P. Beeman
2 Moffatt, Thomas, Barrett, Rock & Fields
3 Box 829
4 Boise, Idaho 83701

5 Clive Strong
6 Chief, Natural Resources Division
7 Office of the Attorney General
8 State of Idaho
9 P.O. Box 44449
10 Boise, Idaho 83711-4449

11 Leif Johnson
12 United States Department of Justice
13 Environment and Natural Resources Division
14 550 West Fort Street, Box 33
15 Boise, Idaho 83724-4378

16 by depositing a copy thereof in the United States mail, postage
17 prepaid, in an envelope addressed to the above named persons at
18 the above addresses, their last known address.

19 PARSONS, SMITH, STONE & FLETCHER

20 

21 William A. Parsons
22 Attorneys for City of Burley
23 137 West 13th Street
24 P. O. Box 910
25 Burley, Idaho 83318
26

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

)
) Subcase Number 36-04080
) STAY ORDER

The City of Burley having moved the court for an Order staying further proceedings in this subcase until the Director's Report and Proceedings are filed in Basin 45, Reporting Area 10. No objections having been filed by the parties appearing in this subcase and good cause appearing it is

ORDERED that all proceedings in this subcase are hereby stayed until the Director's Report is filed on Basin 45, Reporting Area 10, in which the City of Burley has filed claims to water rights and which will be adjudicated at that time.

DATED this _____ day of _____, 1994.

Terrance A. Dolan
Special Master