

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

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Movant's Name: Big Lost River Irrigation Dist.
Attorney Name & Address: ROGER D. LING
LING, NIELSEN & ROBINSON
615 H. Street, P.O. Box 396
Rupert, Idaho 83350

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	)	Subcase Nos. 34-00012,
	)	34-00013, 34-02507,
	)	34-10873, 34-10943,
	)	34-10944, 34-10945,
	)	34-10944, 34-12431,
	)	34-12432
Case No. 39576	)	
	)	<u>MOTION FOR CONSOLIDATION</u>
	)	<u>AND NOTICE OF HEARING</u>

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COMES NOW, Big Lost River Irrigation District, a party to each of the above subcases, and moves the Court pursuant to Rule 42(a) of the Idaho Rules of Civil Procedure to consolidate for trial the above-entitled subcases for the purpose of determining the following issues, to-wit:

1. Does Big Lost River Irrigation District own the water rights held in its name for the storage of water in Mackay Dam for irrigation purposes?
2. Are the water and water rights of the District held in trust by the District for the benefit of the District and the lands in the District?

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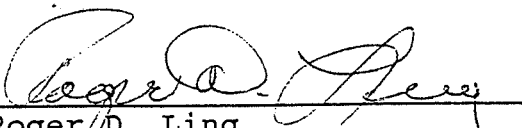
3. Does the Board of Directors of Big Lost River Irrigation District have the lawful authority to expressly or impliedly contract to furnish water of the District to which it is entitled under its water rights to landowners for irrigation of lands that are not within the irrigation district?

4. Can Big Lost River Irrigation District be estopped to deny that water of the District is dedicated to lands in the District for irrigation purposes and any act done in excess of express or implied provisions of statute is ultra vires?

In each of these subcases, the above issues have been interposed, expressly or impliedly. Said issues involve questions of law and fact common to all of said subcases, and consolidation of these subcases for the purpose of determining these issues will avoid expense and delay.

DATED this 31st day of March, 1994.

LING, NIELSEN AND ROBINSON

BY: 
Roger D. Ling
Attorney for Big Lost River
Irrigation District

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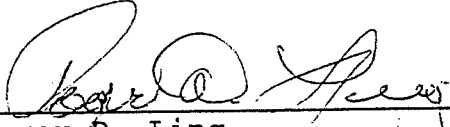
NOTICE OF HEARING

TO: CLERK OF THE COURT AND ALL COUNSEL OF RECORD

NOTICE IS HEREBY GIVEN that claimant, Big Lost River Irrigation District, will bring its Motion for Consolidation on for hearing before Special Master Brigette Bilyeu on April 11, 1994, at 1:30 p.m., in Arco, Idaho.

DATED THIS 31st day of March, 1994.

LING, NIELSEN AND ROBINSON

BY: 
Roger D. Ling
Attorney for Big Lost River
Irrigation District

LING, NIELSEN & ROBINSON
ATTORNEYS AT LAW
RUPERT, IDAHO 83350

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of March, 1994,
I served a copy of the foregoing **MOTION FOR CONSOLIDATION AND
NOTICE OF HEARING** upon:

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

A. Lynne Krogh
Susan E. Hamlin
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

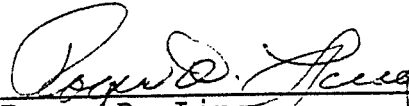
Randall C. Budge
RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391

Kent W. Foster
HOLDEN, KIDWELL, HAHN & CRAPO
P.O. Box 50130
Idaho Falls, Idaho 83405

Arthur W. Quist
Sunset Trust Organization
Route 1, Box 203
Arco, Idaho 83213

William R. Hollifield
HOLLIFIELD & TOLMAN
P.O. Box 66
Twin Falls, Idaho 83303-0066

by depositing a copy thereof in the United States mail, postage
prepaid, in an envelope addressed to said persons at the
foregoing addresses.


Roger D. Ling