

RECEIVED

MAR 23 1995

OFFICE OF THE
ATTORNEY GENERAL

MAR 21 AM 11:55

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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. 01-10223, 01-10248, 25-02160, 25-13615,
Case No. 39576) 27-02007, 27-11560, 27-11561
) ORDER GRANTING MOTIONS TO QUASH; MOTION
) FOR EXTENSION OF TIME TO RESPOND TO JOINT
) MOTION TO DISMISS; AND MOTION FOR
) EXTENSION OF TIME TO RESPOND TO UNITED
) STATES FIRST SET OF INTERROGATORIES,
) REQUESTS FOR ADMISSIONS AND PRODUCTION
) OF DOCUMENTS TO FLOYD JOHNSON AND THE
) FORT HALL WATER USERS' ASSOCIATION

Candy L. Jackson for the Shoshone-Bannock Tribes

Peter C. Monson, U.S. Department of Justice, for the United States

Richard Simms, Simms & Stein, for the Fort Hall Water Users and Kim Bodily

Steven Strack, Deputy Attorney General, for the State of Idaho

On March 14, 1995, hearing was held on the *Motions to Quash Subpoena, Motion for Extension of Time to Respond to Joint Motion to Dismiss and Motion for Extension of Time to Respond to the United States' First Set of Interrogatories, Requests for Admissions and Production of Documents to Floyd Johnson and the "Fort Hall Water Users' Association."*

This order sets forth the oral ruling of this court.

The *Motions to Quash Subpoena* are GRANTED with the condition that counsel will work cooperatively to schedule the depositions of Kim Bodily and Floyd Johnson. Counsel agreed that the depositions shall be scheduled prior to April 12, 1995.

The *Motion for Extension of Time to Respond to the Joint Motion to Dismiss* is GRANTED. The response is due on or before 5 p.m. April 4, 1995.

Finally, the motion regarding a request for an extension of time to respond to discovery propounded by the United States is GRANTED with the following limitations:

- a) For purposes of the *Motions to Dismiss Objection*, the State of Idaho shall not propound any discovery and will rely on that discovery produced by the United States; and
- b) The Fort Hall Water Users Association shall respond to a scaled-down version of the propounded interrogatories and requests for production. The Fort Hall Water Users shall respond to pages 14-20 of the discovery requests, attached to the *United States' Objection to FHWUA Motion for Extension of Time to Respond to U.S.' First Set of Interrogatories, Requests for Admissions, and Request for Production of Documents to Floyd Johnson and the "Fort Hall Water Users Association."*

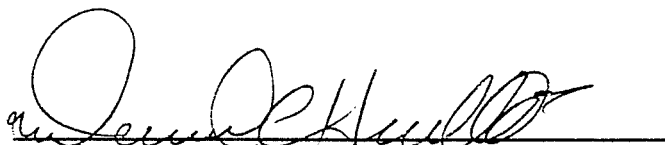
These discovery responses are due on or before 5 p.m. April 4, 1995.

Hearing on the *Motions to Dismiss Objection* shall proceed as scheduled on April 18, 1995 at 11 a.m.

By separate order, this court will set out a trial date and pretrial scheduling order.

IT IS SO ORDERED.

DATED March 21, 1995.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

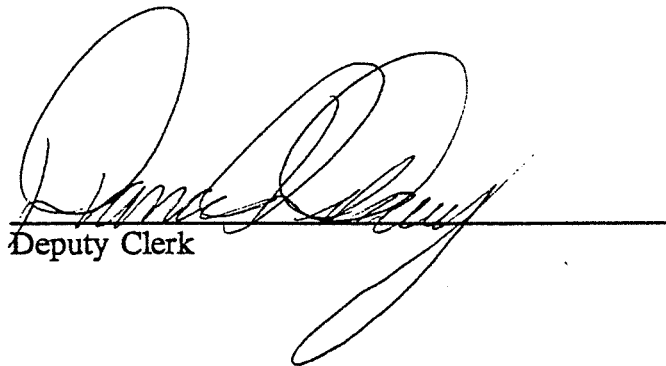
I certify that a true and correct copy of the **ORDER GRANTING MOTIONS TO QUASH; MOTION FOR EXTENSION OF TIME TO RESPOND TO JOINT MOTIONS TO DISMISS; AND MOTION FOR EXTENSION OF TIME TO RESPOND TO UNITED STATES FIRST SET OF INTERROGATORIES, REQUESTS FOR ADMISSIONS AND PRODUCTION OF DOCUMENTS TO FLOYD JOHNSON AND THE FORT HALL WATER USERS' ASSOCIATION** was mailed on March 21, 1995, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources
Division
550 West Fort Street, Box 33
Boise, ID 83724

Candy L. Jackson
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Margaret J. King
Simms & Stein, P.A.
PO Box 3329
Hailey, ID 83333



Deputy Clerk

