

RECEIVED

APR 11 1995

Department of Water Resources
Adjudication Bureau

1995 APR -5 AM 9:10

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

Movant: State of Idaho

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER
PETER R. ANDERSON
STEVEN W. STRACK
Deputy Attorneys General
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7920
FAX: (208) 327-7866

**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)
_____)

Sub-case No. 34-12386

MOTION TO CONSOLIDATE

DESCRIPTIVE SUMMARY

This document is a Motion to Consolidate sub-case no. 34-12386 with sub-case nos. 34-12383, 34-12384, 34-12385, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346, which all relate to Craters of the Moon National Monument.

MOTION TO CONSOLIDATE

The State of Idaho moves the District Court in accordance with *SRBA Administrative Order 1, Rules of Procedure*, Section 9, for an Order consolidating sub-case no. 34-12386 with sub-case nos. 34-12383, 34-12384, 34-12385, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346. The grounds for this motion are as follows:

1. The WATER RIGHTS AGREEMENT BETWEEN THE STATE OF IDAHO AND THE UNITED STATES FOR THE CRATERS OF THE MOON NATIONAL MONUMENT (Craters Settlement Agreement) describes water right nos. 34-12383, 34-12384, 34-12385, 34-12386, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346. These water rights all involve common questions of law and fact.

2. When the United States and the State of Idaho negotiated this resolution of claims to federal reserved water rights for the Craters of the Moon National Monument, the parties contemplated a package deal where all related water rights would be resolved or none of them. Consequently, the District Court needs to consider all the water rights in the same proceeding.

3. Mitchell Sorensen filed an Objection to water right no. 34-12383. He withdrew his objection on January 17, 1995 by execution of a Standard Form No. 5 describing water right no. 34-12383.

4. Arthur Quist filed an Objection to water right no. 34-12388. He withdrew his objection at the hearing on February 21, 1995 and filed a NOTICE OF WITHDRAWAL OF OBJECTION on February 23, 1995.

5. The United States filed Objections to water right nos. 34-12383, 34-12384, 34-12385, 34-12386, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346.

6. Consequently, the objections of the United States are the only remaining objections to water right nos. 34-12383, 34-12384, 34-12385, 34-12386, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346.

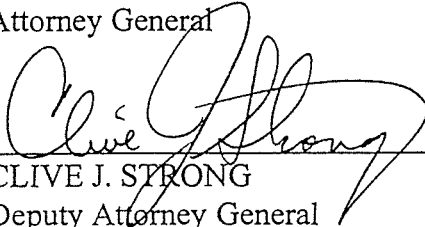
7. The State of Idaho contacted the United States about the proposed Motion to Consolidate, and the United States supports the consolidation.

CONCLUSION

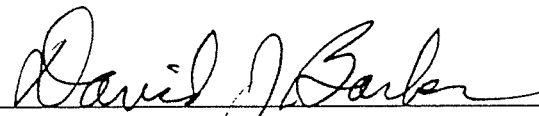
The State of Idaho respectfully requests that the District Court enter an order consolidating Sub-case nos. 34-12383, 34-12384, 34-12385, 34-12386, 34-12387, 34-12388, 34-12389, 36-15342, 36-15343, 36-15344, 36-15345, and 36-15346.

DATED this 3rd day of April, 1995.

ALAN G. LANCE
Attorney General



CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

CERTIFICATE OF SERVICE

I certify that on this 3rd day of April, 1995, I served true and correct copies of the MOTION TO CONSOLIDATE by placing in the United States mail, postage prepaid, addressed as follows:

U.S. Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, Box 33
Boise, ID 83724

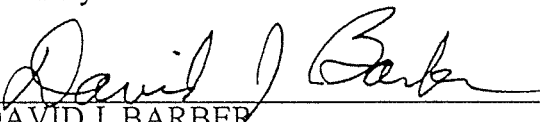
Carolyn Minder
SRBA Staff Attorney
7283 Obsidian
Boise, ID 83709

Peter Monson
Indian Resource Section
Environment and Natural Resources Div.
U.S. Department of Justice
999 18th St., Suite 945 N. Tower
Denver, CO 80202

National Park Service
Pacific Northwest Region
909 First Avenue
Seattle, WA 98104-1060

Mitchell Sorensen
Route 1, Box 63C-1
Moore, ID 83255

ALAN G. LANCE
Attorney General



DAVID J. BARBER
Deputy Attorney General
Natural Resources Division