

1996 JUN -2 PM 4: 22
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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.: See Attached Exhibit A

Case No. 39576

ORDER DENYING MOTION TO STAY SUBCASES

36-3A eval

On December 14, 1995, the Hagerman Water Right Owners, Inc. and each individual member (HWRO), as claimants in the 133 subcases listed in Exhibit A, filed their *Motion to Stay Subcases (Motion)*. Exhibit A, attached to the *Motion*, includes two subcases (36-00084 and 36-00104A) already consolidated under a subcase not on the list (36-00012).

The *Motion* seeks a stay of all 133 subcases, except for limited proceedings in nine subcases in which certain claimants¹ seek permissive appeal of a December 12, 1995 order concerning late responses. The basis for the *Motion* is that a stay should be granted until the issues surrounding partial forfeiture are decided basin-wide.

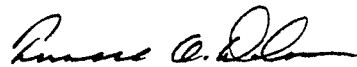
On December 29, 1995, Cranney Bros. filed its *Response to Hagerman Valley Water Right Owners' Motion to Stay Subcases (Response)*. In the *Response*, Cranney Bros. urged that the *Motion* be denied, at least as to the five subcases in which Cranney Bros. is a party (36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B). Cranney Bros. prefers to go forward with its trial preparation rather than await “resolution of basin-wide issues at some indeterminate point.”

Some of the 133 subcases are calendared for settlement conferences beginning this month. It would be premature to stay these subcases at least until the parties have the opportunity to explore settlement of some, if not all, issues. Besides, settlement conferences are an ideal opportunity to discuss pre-trial matters and possibly avoid procedural wrangling and major expenses.

The *Motion* brings forward some of the problems related to blanket orders. The *Motion* was filed by certain parties, but it is not clear that the McFaddans and the other six claimants who seek permissive review join in the *Motion*. The court is left to presume their acquiescence. In addition, pleadings were filed in subcases consolidated under an un-listed subcase. That consolidation order required that all future pleadings be filed under the "parent" subcase. Now the clerk of court is left with major filing problems, not to mention the question of proper notice to other parties. In the future, orders intended to affect a group of subcases in Reporting Area 3 will be closely scrutinized to guard against unintended results.

Therefore, IT IS ORDERED that HWRO's *Motion to Stay Subcases* is **denied**.

DATED January 2, 1996.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO STAY SUBCASES was mailed on January 2, 1996, 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
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Boise, ID 83724

Patrick Brown
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V. John Mavencamp
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Big Springs Water Users Assn.
P.O. Box 218
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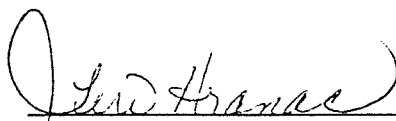

Deputy Clerk

Exhibit A

Subcase Nos:

36-00003A	36-00071A	36-07071
36-00003B	36-00075	36-07081
36-00003C	36-00077C	36-07089
36-00003E	36-00079	36-07142
36-00003F	36-00084	36-07172
36-00003J	36-00085A	36-07229
36-00004	36-00085B	36-07233
36-00006	36-00086C	36-07298
36-00007	36-00089A	36-07323
36-00008	36-00089C	36-07369B
36-00011A	36-00090D	36-08099
36-00021B	36-00090E	36-10033
36-00022	36-00090F	36-10035
36-00023	36-00092	36-10141
36-00029B	36-00094A	36-10168
36-00033D	36-00096A	36-10169
36-00033E	36-00097	36-10223
36-00034B	36-00099	36-10283A
36-00039C	36-00100	36-10283B
36-00039D	36-00101	36-10409
36-00039E	36-00103F	36-10446
36-00039F	36-00104A	36-10588
36-00039J	36-00106	36-10706
36-00039M	36-00108B	36-10815
36-00039N	36-00110A	36-10906
36-00039P	36-00110B	36-15094
36-00041A	36-00111A	36-15157
36-00041C	36-00111B	36-15168
36-00042A	36-00112A	36-15176
36-00048A	36-00112B	36-15184
36-00048C	36-00113H	36-15461
36-00049	36-00123A	36-15463
36-00050D	36-00134C	
36-00051A	36-00135C	
36-00051C	36-00136A	
36-00051D	36-00136B	
36-00051E	36-00194	
36-00054A	36-00198A	
36-00055AD	36-02002	
36-00055AF	36-02008	
36-00061	36-02009	
36-00062	36-02038	
36-00063	36-02046	
36-00064B	36-02166	
36-00065	36-02169	
36-00066B	36-02178	
36-00067	36-02588	
36-00068	36-04071	
36-00069	36-04091	
36-00070	36-04260B	