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Department of Water Resources
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DISTRICT COURT - SRBA
TWIN FALLS, 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.: 34-10563

Case No. 39576

)
)
) ORDER DENYING MOTION
) TO STAY SUBCASE
)
)

On December 15, 1995, the Idaho Department of Water Resources lodged a Status Report for this subcase. The Status Report indicated no settlement had been reached between the party and IDWR. The Status Report also asserts that this case does not involve a partial forfeiture issue.

On December 18, 1995, Patrick Brown, attorney for the claimant, G. David Nelson, filed a *Motion to Stay Subcase*. The *Motion to Stay* asks the court to stay this subcase pending a resolution of the *Motion to Designate Basin Wide Issue Nos. 10 and 11*. The *Motion to Stay* asserts that the questions raised in Basin Wide Issues Nos. 10 and 11 are the same issues which remain unresolved in this subcase between the party and the Idaho Department of Water Resources. Therefore, the *Motion to Stay* asserts that a settlement conference would be unproductive at the present time and seeks an *Order Staying* this subcase. No responses to the *Motion* were filed.

It appears that a settlement conference in this subcase would be unproductive at the present time. Thus, the court will not order a Mandatory Settlement Conference at this time. This court sees no reason to stay this subcase at present, however, but shall continue a further Status Conference until March 26, 1996 at 11:00 a.m. to allow time for the *Motion to Designate Basin Wide Issue Nos. 10 and 11* to proceed.

Therefore, IT IS ORDERED that the *Motion to Stay Subcase* is **denied**.

DATED January 10, 1996.


BRIGETTE BLYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER DENYING MOTION TO STAY SUBCASE** was mailed on January 10, 1996, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
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Patrick Brown
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Deputy Clerk