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Department of Water Resources
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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
	)	
	)	ORDER DENYING JOINT MOTION
Case No. 39576	)	TO BIFURCATE AND CONSOLIDATE
	)	OBJECTIONS
	)	
_____	)	

2A-17D

On February 11, 1994, a *Joint Motion by IDWR and Other Parties to Bifurcate and Consolidate Objections to Pages 1 through 17 of the Director's Report for Reporting Area 1 (Basin 34) and Notice of Hearing (Motion)* was filed with this court. Parties joining in the *Motion* were: R. Keith Higginson, Director of IDWR; the Big Lost River Water Users Association; Everett T. Acor, Jr.; Kurt P. Acor; Don A. Aikele; Herman Aikele; Juel Aikele; J-P Ranch, Inc.; P U Ranch; Mitchell D. Sorensen; Lloyd E. Jensen and Penny Hawkins; Lewis and Olive Rothwell; Susan and Jay F. Pearson; James S. And Colleen Babcock; Granite Trust Organization; Ann S. and Larman D. Anderson; Ned R. and Reva W. Walker; and Sandra L. and Randal G. Damiana. The motion asked the court to bifurcate the subcases listed on attached Exhibit A, separating the portion of the objection that contested the description of an individual water right from the portion of the objection that contested some portion of pages 1 through 17 (the "preamble") of the Director's Report for Reporting Area 1 (Basin 34). *Motion* at 3.

On March 9, 1994, the court held a hearing on the *Motion*. As a result of the hearing, a briefing schedule was established. See, *Order on Briefing Schedule for Joint Motion by IDWR and Other Parties to Bifurcate and Consolidate Objections to Pages 1 through 17 of the Director's Report for Reporting Area 1 (Basin 34)* (April 11, 1994). On April 19, 1994, a stay was entered in the SRBA to give the parties time to disseminate the changes in the 1994 adjudication statutes. On December 7, 1994, the stay was lifted. No additional briefing on this *Motion* was filed, and no additional hearings were held.

On December 19, 1995, the director of the Idaho Department of Water Resources filed an *Amended Director's Report for Reporting Area 1 (Basin 34)*. A hearing on the *Amendments to the Director's Report for Reporting Area 1 (Basin 34)* was held on January 16, 1996. At hearing, the amendments were granted, in part. The director's amendments to the *Director's Report in Reporting Area 1 (Basin 34)* removed all but six of the original general provisions. The court ordered that the remaining six general provisions, as well as the original General Provisions 3 and 7 would constitute the *Amendments to the Director's Report for Reporting Area 1 (Basin 34)*. See, *Order Granting Amendment to the Director's Report in Reporting Area 1 (Basin 34) for General Provision and Explanatory Material* (January 18, 1996).

In addition, the remaining General Provisions as amended for Basin 34 have been designated as Basin-Wide Issues with complete briefing schedules and hearing dates.

On January 18, 1996, the court issued *Amended Order Designating Basin-Wide Issue No. 5; Order Setting Expedited Schedule and Hearing Date for Basin-Wide Issue No. 5 and Order Designating Basin-Wide Issue No. 5B*. The *Amended Order Designating Basin-Wide Issue No. 5* stated, in part:

Whether the general provisions in the *Amended Director's Report for Reporting Area 1 (Basin 34)* as listed on Attachment B are necessary for the definition of the rights or for the efficient administration of the water rights.

Because the court has designated the only remaining general provisions in Reporting Area 1 (Basin 34) for consideration under Basin-Wide Issue 5, and Basin-Wide Issue 5B, the *Joint*

Motion to Bifurcate and Consolidate Objections is superseded by the designation of those Basin-Wide Issues.

Therefore, the *Joint Motion to Bifurcate and Consolidate Objections* is **denied**.

IT IS SO ORDERED.

DATED January 25, 1996.

A handwritten signature in cursive script, reading "Brigitte Bilyeu", is written over a horizontal line.

BRIGETTE BILYEU

Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING JOINT MOTION TO BIFURCATE AND CONSOLIDATE OBJECTIONS was mailed on January 25, 1996, with sufficient first-class postage to the following:

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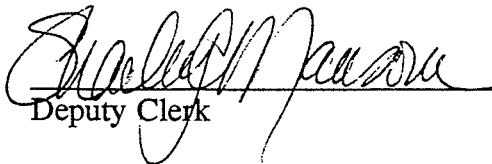

Deputy Clerk

EXHIBIT A

34-00017D	34-02358E	34-07154
34-00060	34-02389	34-07179
34-00259F	34-02412A	34-10043
34-00378	34-02417B	34-10454
34-00556	34-02428	34-10832
34-00647	34-02429B	34-12368
34-00738E	34-02491E	34-12381
34-00911	34-07059B	34-12432
34-02277	34-07075	34-02330A
34-00050B	34-07120	34-02358D
34-00168F	34-07122B	34-02373
34-00315	34-07176	34-02410
34-00384	34-07223	34-02417A
34-00559	34-10397	34-02426C
34-00654A	34-10484	34-02429A
34-00789	34-10939	34-02472A
34-00970	34-12377	34-02512
34-00052A	34-12431	34-07059D
34-00168G	34-02315	34-07079
34-00354	34-02358A	34-07121B
34-00508	34-02358F	34-07164
34-00646	34-02395	34-07201
34-00692D	34-02412C	34-10272
34-00796	34-02419A	34-10455
34-02272A	34-02491H	34-10896
34-02308A	34-07059C	34-12376
34-02309	34-07077	34-12417
34-2330B	34-07122A	34-12433

