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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
DISTRICT COURT - SRBA
STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO FALLS

*****FILED*****

In Re SRBA

Case No. 39576

nsioD A oonemst

) Subcase Nos.: See Attached Exhibit A
)
) **ORDER REQUIRING THE IDAHO**
) **DEPARTMENT OF WATER**
) **RESOURCES TO SUBMIT A REPORT**
) **PURSUANT TO I.R.E. 703, I.R.E. 705**
) **AND I.R.E. 706**
)

36-79

Counsel for claimants in the attached Exhibit A requested the court to order the Idaho Department of Water Resources (IDWR) to file a report pursuant to I.R.E. 706 disclosing any expert opinions IDWR might offer at trial if designated an expert witness and called at trial by the court.

Pursuant to I.R.E. 706, the court appoints the Idaho Department of Water Resources (IDWR) as an expert witness to address the facts which it has investigated regarding the elements of these water rights, and the issues raised by the parties including each unresolved element as set forth in I.C. § 42-1411(2). IDWR shall prepare a written report which sets forth any expert opinions with regard to the elements of each water right and the above referenced issues. In addition, the expert shall set forth in its reports the facts and data upon which each opinion is based pursuant to I.R.E. 703 and 705. Expert

testimony of the court's expert shall be limited to the opinions, conclusions and basis therefore in the 706 report.

May 1, 1996 5:00 p.m. Report from IDWR shall be filed with the court and all parties to this subcase.

IT IS SO ORDERED.

Dated this 18th day of March, 1996.

15/ **Terrence A. Dolan**
TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

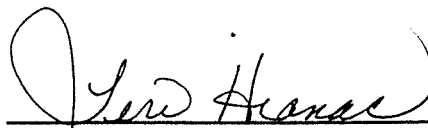
CLERK'S CERTIFICATE OF MAILING

The undersigned hereby certifies that she/he mailed on the 18th day of March, 1996, a true and correct copy of the above and foregoing ORDER REQUIRING THE IDAHO DEPARTMENT OF WATER RESOURCES TO SUBMIT A REPORT PURSUANT TO I.R.E. 703, I.R.E. 705 AND I.R.E. 706 to the following:

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P. O. Box 389
Twin Falls, ID 83303-0389

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

Director of IDWR
P. O. Box 83720
Boise, ID 83720



DEPUTY CLERK

(WATER\21530ORD.313)llm

ORDER REQUIRING THE IDAHO DEPARTMENT OF WATER RESOURCES TO SUBMIT A
REPORT PURSUANT TO I.R.E. 703, I.R.E. 705 AND I.R.E. 706 - 3

EXHIBIT A
(ORDER REQUIRING IDWR TO SUBMIT A REPORT
PURSUANT TO I.R.E. 703, 705 & 706)

	SUBCASE NO.
Dale & Elaine Boyer	36-00079
Frank C. & Peggy Erwin	36-00092
Keith L. & Jolene Fuell	36-00086C
Mildred Culbertson	36-00090D
Mildred Culbertson	36-10409
Bruce & Mary Bothwell (Cropper)	36-00047
Paul E. & Inez S. Watkins	36-00106
Paul E. & Inez S. Watkins	36-08099
Edna Mae Rea	36-00003A
Lynn Babington	36-00003C
Edith Vernon	36-00003E
Doyt H. & Roxie J. Simcoe	36-00003F
Dick J. & Sigrid E. Veenendaal	36-00039C
Frank L. & Jean Glauner	36-00039E
Mark & Susan Potter	36-00039J
George J. & Nellie W. Korbis	36-00039N
Alma Blastock	36-00108B
Hagerman School District	36-15463
Marilyn J. Miller	36-00085A
Basil Lester & Myrle Hyde Zink	36-00103F
Richard D. Simon	36-00035J
Michael J. Fleming	36-00064B
Michael J. Fleming	36-10446
Michael J. Fleming	36-15094
John F. & Doris H. Clouser	36-00089A
Ignacio Nick Zabala	36-00051C
Ignacio Nick Zabala	36-00051E
Ignacio Nick Zabala	36-00071A
Roger Shaffer	36-00034B
Mattie P. & Golden T. Grigg	36-10283B
Howard L. & Rhonda K. Morris	36-00061
Howard L. & Rhonda K. Morris	36-00062
Howard L. & Rhonda K. Morris	36-00063
Ignacio Nick Zabala	36-00075