

MAY 16 1996

Department of Water Resources

1996 MAY 15 PM 2:02

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**

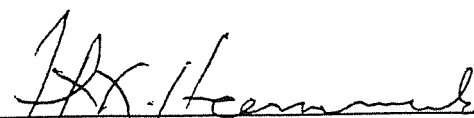
In Re SRBA	)	Subcase 36-00099
	)	
Case No. 39576	)	ORDER DENYING HEARING and
	)	ORDER DENYING MOTION TO FILE
	)	LATE RESPONSE

The State of Idaho filed a *Motion to File Late Response* in the above subcase. The purpose of the *Motion to File Late Response* was to give the State of Idaho an opportunity to litigate general provisions. "The State's only concern is to provide an easy mechanism for early resolution of all objections to general provisions. Its participation for this limited purpose will not add additional time or expense to the proceedings." *State of Idaho's Motion to File a Late Response*, 3-4.

Recently, the District Court filed its decision on Basin-Wide Issue No. 5 wherein the court held that all proposed general provisions are not necessary. Given the decision of the District Court, it is not necessary for the State of Idaho to litigate the same issue in one subcase. Therefore, IT IS ORDERED that the State of Idaho's *Motion to File Late Response* is **denied**. Pursuant to I.R.C.P. 7(b)(3) the court shall deny oral argument on the motion.

IT IS FURTHER ORDERED that the hearing previously set for May 16, 1996 at 10:00 a.m. is **vacated**.

DATED May 15, 1996.


 FRITZ X. HAEMMERLE
 Special Master, Reporting Area 2
 Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING HEARING and ORDER DENYING MOTION TO FILE LATE RESPONSE was mailed on May 15, 1996, with sufficient first-class postage to the following:

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