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Department of Water Resources

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 21 1996

By

Clerk

Deputy Clerk

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 Exhibit A 36-3C
)
Case No. 39576) ORDER GRANTING, IN PART, AND DENYING, IN PART,
) STATE OF IDAHO'S MOTION TO PARTICIPATE

On June 5, 1996, the State of Idaho ("State") filed a *Motion to Participate* in the subcases listed on Exhibit A. The State seeks to present legal arguments in response to the summary judgment motions filed by individual members of Hagerman Water Right Owners, Inc. ("HWRO"). The State also seeks to present factual evidence in the individual subcases if the motions for summary judgment are denied.

Because the legal issues raised by the HWRO motions will have a significant impact of the State's interests, the State's *Motion to Participate* is **GRANTED**, in part. The State will be permitted to present legal arguments in response to the HWRO motions. However, the factual evidence presented during any subsequent subcase hearings will speak for itself. Therefore, the State's *Motion to Participate* in the factual portion of HWRO subcases is **DENIED**, in part. This Court will enter an order setting a briefing schedule in these subcases.

DATED: June 24th, 1996.


FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the ORDER GRANTING, IN PART, AND DENYING, IN PART, STATE OF IDAHO'S MOTION TO PARTICIPATE was mailed on June 24, 1996, with sufficient first-class postage to the following:

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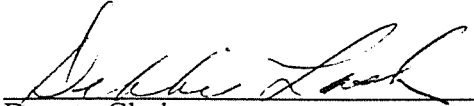

Deputy Clerk

EXHIBIT "A"

List of Subcases

Lynn J. Babington and Karen L. Babington	36-00003C
Walter J. Bonning, II and Judy L. Bonning	36-00108B
Dale E. Boyer and Elaine Boyer	36-00079
William E. Norris, David L. and Linda C. Cropper,	
Blaine Richard and Vivian Cropper, Dave and	
Nancy Anderson	
Mildred Culbertson	36-00047
Frank C. Erwin and Peggy Erwin	36-10409
Michael J. Fleming	36-00092
Keith L. Fuell and Jolene Fuell	36-00064B
Frank L. Glauner and Jean Glauner	36-00086C
Mattie P. Grigg	36-00039E
George J. Korbis and Nellie W. Korbis	36-10283B
Marilyn J. Miller	36-00039N
Howard L. Morris and Rhonda K. Morris	36-00085A
Howard L. Morris and Rhonda K. Morris	36-00061
Howard L. Morris and Rhonda K. Morris	36-00062
Mark Potter and Susan Potter	36-00063
Edna M. Rea	36-00039J
Roger Shaffer	36-00003A
Doyt H. Simcoe and Roxie Simcoe	36-00034B
Richard D. Simon	36-00003F
Dick J. Veenendaal and Sigrid E. Veenendaal	36-00035J
Edith L. Vernon	36-00039C
Paul E. Watkins and Inez S. Watkins	36-00003E
Basil Lester Zink and Myrle Hyde Zink	36-00106
	36-00103F