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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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	)	Subcases: 34-00621A; 34-00621D and
	)	34-00621E
Case No. 39576	)	
	)	ORDER CONSOLIDATING SUBCASES
	)	

On July 30, 1996, a *Notice of Completed Administrative Proceedings* was filed which split water right 34-00621A, creating water rights 34-00621D and 34-00621E.

I.R.C.P. 42(a) and *SRBA Administrative Order 1*, Section 9, set forth factors which a court considers when determining whether to consolidate.

SRBA Administrative Order 1 (A.O.1), Section 9 provides that:

A motion to consolidate subcases is appropriate in situations where common issues of law or fact present themselves in more than one subcase and resolution and reconciliation of those issues can be most expeditiously and effectively achieved through presentation to the Presiding Judge or special master in consolidated hearings.

A.O.1, Section 9 (June 21, 1993).

The standard for consolidation set forth in *A.O.1*, Section 9 is essentially identical to the standard in I.R.C.P. 42(a):

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

I.R.C.P. 42(a)

Under both standards, a judge or special master looks at three essential factors; 1) are there questions of law which are common to all subcases; 2) are there questions of fact which are common to all subcases; and 3) will consolidation of the subcases avoid unnecessary costs and delay or lead to more expeditious and efficient presentation to the judge or special master. *A.O.I.*, Section 9 (June 21, 1993); I.R.C.P. 42(a).

Questions of law and fact are common to these subcases since both 34-00621D and 34-00621E are the result of the division of a larger water right previously numbered 34-00621A. In addition, consolidation of these subcases seems appropriate for efficient and expeditious adjudication of these water rights.

Therefore, **IT IS ORDERED** that subcases 34-00621A, 34-00621D and 34-00621E are **consolidated**. The lead subcase number is designated as **34-00621A**.

DATED August 7, 1996.



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

CERTIFICATE OF MAILING

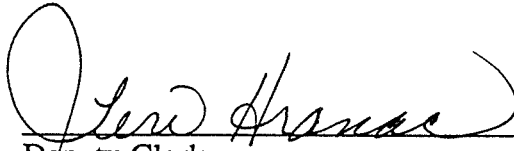
I certify that a true and correct copy of the ORDER CONSOLIDATING SUBCASES was mailed on August 7, 1996, with sufficient first-class postage to the following:

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