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Claimants:

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Department of Water Resources
Adjudication Bureau

Dan H. and Irma R. McFadden
Fred and Susan Walmsley
Robert Brailsford
Hagerman Water Users Association
Walten E. Mildren
Harry R. Gisler
Ya-Ta-Hay Investments, Inc.

Attorney Name and Address:

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CHARTERED
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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. 36-00048A, 36-00049,
) 36-02169, 36-00039D, 36-04260B,
) 36-15168, 36-00051A, 36-00021 &
) 36-10283A

Case No. 39576

) CLAIMANTS' RESPONSE TO JOINT
) CONSOLIDATED MOTION FOR
) PERMISSIVE REVIEW OF SPECIAL
) MASTER'S ORDER AND MOTION FOR
) EXPEDITED HEARING AND DECISION
)
)

* * * * *

Claimants in the above enumerated subcases submit this response regarding
permissive review of Special Master Haemmerle's July 8, 1996 *Order on Reconsideration*

CLAIMANTS' RESPONSE TO JOINT CONSOLIDATED MOTION
FOR PERMISSIVE REVIEW OF SPECIAL MASTER'S ORDER
AND MOTION FOR EXPEDITED HEARING AND DECISION - 1

HEP
Chartered
Hepworth,
Lezamiz &
Hohnhorst

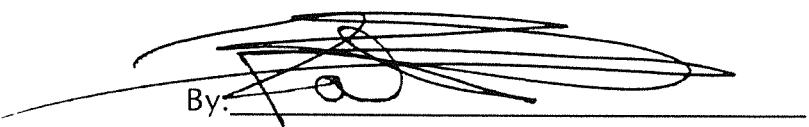
1 of Motions to Strike Affidavits and Motions to File Late Responses. Interlocutory review,
2 if any, should be limited to the record created below and to the issues properly raised there
3 and preserved.

4 Claimants object to the review of any matters relating to the propriety of Judge
5 Hurlbutt's remand of the claimants' prior motion for permissive review for reconsideration
6 in front of Special Master Haemmerle. Any challenge to the propriety of Judge Hurlbutt's
7 order should have been filed with Judge Hurlbutt before Special Master Haemmerle
8 proceeded to the reconsideration hearing. Therefore, challenges to the propriety of
9 remanding for reconsideration have been waived.

10 Secondly, permissive review should be limited to the record created below.
11 Consequently, the extensive briefing and presentation of evidence in conjunction with the
12 motion for permissive review should not be considered on review.

13 Dated this 20th day of August, 1996.

14 HEPWORTH, LEZAMIZ & HOHNHORST,
15 CHARTERED

16 By: 

17 Patrick D. Brown
18 Attorneys for Claimants
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22
23

CERTIFICATE OF SERVICE

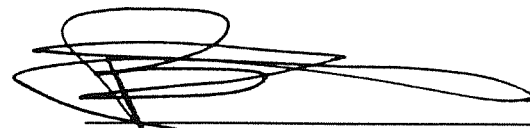
The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that on the 20th day of August, 1996, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Chief, Natural Resources Div. ☒ U.S. Mail
Office of the Attorney General ☐ Hand Delivered
State of Idaho ☐ Overnight Mail
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