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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED JA

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: 36-07092A

Case No. 39576

) ORDER REQUIRING 706 REPORT
)
)
)

On August 21, 1996, Objector Ronald H. Adams requested that the court order the Idaho Department of Water Resources (IDWR) to file a written report pursuant to Idaho Rules of Evidence, Rule 706, disclosing any expert opinions IDWR might offer at trial if designated an expert witness and called by the court.

During the Scheduling Conference held on June 21, 1996, the president of Norwood Subdivision/Ruby Springs Water Company, the claimant, stated that it does not intend to retain counsel to represent it in these proceedings. To date, the claimant has no counsel of record in the SRBA. Hence, the claimant cannot speak in opposition to the request.

Therefore, it is ordered that IDWR is appointed an expert witness, pursuant to I.R.E. 706, to report the underlying facts or data which it has investigated regarding the elements of claim number 36-07092A and the issues raised by the parties.

Further, pursuant to I.R.E. 703 and 705, IDWR shall prepare a written report which sets forth any expert opinions it may have concerning the elements of claim number 36-07092A and shall set forth the underlying facts and data upon which each opinion is based.

Because subcase 36-07092A is set for trial on October 16, 1996, IDWR shall file with the court its 706 report no later than September 27, 1996. IDWR shall also mail photocopies of the report to the claimant and the objector.

DATED August 23, 1996.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

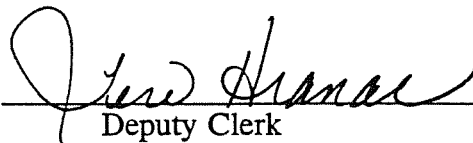
I certify that a true and correct copy of the ORDER REQUIRING 706 REPORT was mailed on August 23, 1996, with sufficient first-class postage to the following:

Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
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Ronald Adams
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2638 Access Road North
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Deputy Clerk