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

JAN 12 2021

By _____

Clerk

Deputy Clerk

9 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
 10 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

11 In Re SRBA

Subcases No. 61-248 and 61-10419

12 Case No. 39576

MOTION FOR BIFURCATION

13
 14 COMES NOW Weitz & Company, Inc. ("Weitz"), by and through its attorneys Laura A.
 15 Schroeder and James Browitt of Schroeder Law Offices, P.C., and hereby moves to this Court to
 16 bifurcate this proceeding into two separate hearings pursuant to I.R.C.P. 42(b).

17 **POINTS AND AUTHORITIES**

18 On October 5, 2020, Mountain Home Irrigation District ("MHID") filed its *Verified*
 19 *Petition for Declaratory Judgment* ("Petition") in the Snake River Basin Adjudication ("SRBA")
 20 Court. On October 6, 2020, the Court scheduled a hearing on the Petition for January 21, 2021, at
 21 1:30 p.m. Mountain Time. Weitz filed its response and counterclaims to the Petition on
 22 December 15, 2020 along with its *Motion to Dismiss or in the Alternative Motion to Change*
 23 *Venue and Memorandum in Support Thereof* ("Motion to Dismiss"). On December 18, 2020, the
 24 Court scheduled a hearing on the Motion to Dismiss for January 21, 2021 to occur concurrently
 25 with the previously scheduled hearing on MHID's Petition.
 26



Pursuant to I.R.C.P. 42(b), the Court may order a separate trial on one or more separate issues to expedite and economize the proceedings. Given the complexities of the issues, the limited duration of the January 21, 2021 hearing, and the logistical complications that inevitably result from videoconferencing, Weitz requests this Court bifurcate the January 21, 2021 hearing so that adequate consideration can be devoted to all segments of this proceeding.

Accordingly, Weitz proposes limiting the scope of the first phase of this proceeding to Petitioner's Count I-Declaratory Ruling That Water Right 61-248 Ceased to Exist And Is Disallowed With Prejudice, Respondent's Counterclaim 1-Breach of Fiduciary Duties and Consequential Economic Loss (Liability Only), and Respondent's Counterclaim 2-Declaratory Judgment as to Beneficial Ownership of Water Right No, 61-10419. Weitz proposes that the remaining issues shall be addressed after such time as this Court considers the Motion to Dismiss or in the Alternative Motion to Change Venue and Memorandum in Support Thereof.

CONCLUSION

For the reasons stated above, Weitz moves this Court to bifurcate the January 21, 2021 hearing into two separate proceedings with the first phase to include the issues in Petitioner's Count I, and Respondent's Counterclaims 1 (liability only) and 2.

DATED this 12th day of January, 2021.

SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder, ISB #3799
James Browitt, ISB #9016
Attorneys for Weitz & Company, Inc.



CERTIFICATE OF MAILING

I hereby certify that on January 12, 2021 I caused a true and correct copy of the foregoing **MOTION FOR BIFURCATION** to be mailed with sufficient first-class postage to the following:

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Dated this 12th day of January, 2021.



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