

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho FEB - 1 2013 By _____ Clerk _____ Deputy Clerk
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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

Case No. 39576

) Subcase No.: 00-92021-37
) (Interim Administration)
)
) **ORDER SETTING HEARING ON STATE OF**
) **IDAHO'S AMENDED MOTION FOR**
) **ORDER OF INTERIM ADMINISTRATION**
) **OF SURFACE AND GROUND WATER**
) **RIGHTS IN BASIN 37, PARTS 2 AND 3, AND**
) **REQUEST FOR EXPEDITED HEARING**
)
)

On February 1, 2013, the State of Idaho filed an *Amended Motion for Order of Interim Administration of Surface and Ground Water Rights in Basin 37, Parts 2 and 3, and Request for Expedited Hearing* pursuant to I.C. § 42-1417, seeking administration of all surface and ground water rights located in Administrative Basin 37, Parts 2 and 3, in accordance with the *Director's Reports* for those water rights or in accordance with the *Partial Decrees* that have superseded the *Director's Reports*.¹

Because of the unusually large number of parties requiring service of the *Motion*, and in an effort accomplish service in a single-round by including a copy of this **Order** with the service of the *Motion*, the State of Idaho filed the *Motion* with the Court prior to serving copies on other parties. This practice is customarily used in the SRBA with respect to *Motions for Interim Administration*. The Court, in exercising its discretion, finds this to be a reasonable manner of proceeding provided compliance with the service requirements set forth below. I.R.C.P. 5(d)(1).

¹ The *Amended Motion* does not seek authorization for interim administration of domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), or in-stream stock water rights as defined under Idaho Code § 42-113(1).

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

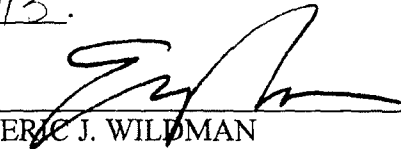
1) **Service of the Motion and this Order by the State of Idaho:** In serving copies of the *Amended Motion for Order of Interim Administration of Surface and Ground Water Rights in Basin 37, Parts 2 and 3, and Request for Expedited Hearing*, and any supporting briefing and affidavits on all affected parties, the State of Idaho shall forthwith comply with service requirements of I.C. § 42-1417(2)(b)(service requirements for interim administration); and file a certificate of service of the same with the Court. **A copy of this Order shall be served with the copies of the Motion.**

2) **Hearing on the Motion for Order of Interim Administration and Request for Expedited Hearing:** The *Amended Motion for Order of Interim Administration of Surface and Ground Water Rights in Basin 37, Parts 2 and 3, and Request for Expedited Hearing* shall be heard on **February 19, 2013, at 2:30 p.m.**, at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. Video teleconferencing ("VTC") will also be available by appearing at the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Conference Rm. B, Boise, Idaho.

3) **Objections and/or Briefing in Opposition:** Any party seeking to file an objection to the State of Idaho's *Amended Motion for Order of Interim Administration of Surface and Ground Water Rights in Basin 37, Parts 2 and 3, and Request for Expedited Hearing* or lodge any briefing in opposition shall file/lodge the same with the Court **no later than 5:00 p.m., on February 13, 2013**. Copies shall be served on the State of Idaho, the Idaho Department of Water Resources, and the United States Department of Justice. See *AOI* § 6e(2)(a)-(c). In accordance with I.R.C.P. 5(c), which establishes alternative service requirements in actions involving large numbers of defendants, service of copies on other parties will not be required at this time, as the State of Idaho's representation in responding at the hearing to any pre-filed objections will be deemed sufficient to represent the interests of other parties also supporting the State of Idaho's *Motion*. Following the hearing on the merits, if deemed necessary, the Court will determine whether to allow any post-hearing briefing or responses by participating parties.

4) **Subcase number designation for Motion:** For purposes of identifying documents in the above-captioned matter, documents shall be filed/lodged under the subcase number designation of **00-92021-37**.

DATED: February 1, 2013.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

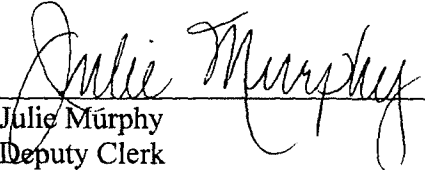
CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER SETTING HEARING ON STATE OF IDAHO'S AMENDED MOTION FOR INTERIM ADMINISTRATION OF SURFACE AND GROUND WATER RIGHTS IN BASIN 37, PARTS 2 AND 3, AND REQUEST FOR EXPEDITED HEARING** were mailed on February 1, 2103, by first-class mail to the following:

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

State of Idaho
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724


Julie Murphy
Deputy Clerk