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SRBA
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	)	**Subcase 92-00021**
	)	**(Interim Administration)**
Case No. 39576	)	
	)	**ORDER SETTING HEARINGS ON STATE**
	)	**OF IDAHO'S MOTION FOR ORDER OF**
	)	**INTERIM ADMINISTRATION AND**
	)	**MOTION FOR ORDER EXPEDITING**
	)	**HEARING; I.C. § 42-1417, *AO1* 6f(2)**

On November 19, 2001, the State of Idaho filed a *Motion for Order of Interim Administration*, pursuant to I.C. § 42-1417, seeking administration of water rights located in all or portions of Administrative Basins 35, 36, 41, and 43, in accordance with the Director's Reports for those water rights or in accordance with the partial decrees that have superseded the Director's Reports.[1] A *Motion for Order Expediting Hearing*, pursuant to AO1 6f(2), also accompanied the *Motion*.

Because of the unusually large number of parties requiring service of these *Motions*, and in an effort to accomplish service in a single-round by including a copy of this ***Order*** with the service of the *Motions*, the State of Idaho filed these *Motions* with the Court prior to serving copies on other parties. 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).

THEREFORE; THE FOLLOWING ARE HEREBY ORDERED:

1) Service of the *Motions* and this *Order* by the State of Idaho: In serving copies of the *Motion for Order of Interim Administration* and *Motion for Order Expediting Hearing*, and any supporting briefing and affidavits on all affected parties, the State of Idaho shall forthwith

[1] The State of Idaho's *Motion* excludes small domestic and stockwater rights.

comply with service requirements of I.C. § 42-1417(2)(b)(service requirements for interim administration) and *AOI* 6f(2)(expedited hearings); 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 *Motions*.**

2) **Hearing on *Motion for Order Expediting Hearing***: The *Motion for Order Expediting Hearing* shall be heard on **December 18, 2001, at 1:30 p.m. at the SRBA Court, 253 3rd Avenue North, Twin Falls, Idaho**. Any party objecting to the *Motion for Order of Interim Administration* proceeding on an expedited basis will have the opportunity to state objections and present argument at said hearing.

3) **Hearing on *Motion for Order of Interim Administration***: The *Motion for Order of Interim Administration* shall be heard **January 8, 2002, at 1:30 p.m. at the SRBA Court, 253 3rd Avenue North, Twin Falls, Idaho**. Absent further notice to the contrary following the hearing on the *Motion for Order Expediting Hearing*, parties shall expect the matter to be heard on the scheduled date.

4) **Objections and/or Briefing in Opposition**: Any party seeking to file an objection to the State of Idaho's *Motion for Order of Interim Administration* or lodge any briefing in opposition shall file/lodge the same with the Court no later than 5:00 p.m., December 18, 2001. 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.

5) **Subcase number designation for *Motions***: For purposes of identifying documents in the above-captioned matter documents shall be filed/lodged under the subcase number designation 92-00021.

DATED: NOVEMBER ~~20~~ 19, 2001.

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER SETTING HEARINGS ON STATE OF IDAHO'S MOTION FOR ORDER OF INTERIM ADMINISTRATION AND MOTION FOR ORDER EXPEDITING HEARING; I.C. § 42-1417, *AOI* 6f(2)** was mailed on November 19, 2001, with sufficient first-class postage to the following:

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Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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

Deputy Clerk