

**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 91-00005-34
	)	(Basin-Wide Issues 5-34)
Case No. 39576	)	Subcase 34-10635
	)	
	)	<b>AMENDMENT TO TRIAL</b>
	)	<b>SCHEDULING ORDER – BASIN-</b>
_____	)	<b>WIDE ISSUE 5-34</b>

**I.**

**DESCRIPTIVE SUMMARY**

This is an order adding the objection to General Provision 5 (“separate streams”) in Basin 34 in Subcase No. 34-10635, filed by Mountain Springs Ranch, LLC, to the Basin-Wide Issues 5-34 trial scheduling order issued on June 13, 2000.

**II.**

**PROCEDURAL BACKGROUND**

1. On June 24, 1999, IDWR filed its *Supplemental Director’s Report, Reporting Area 1, IDWR Basin 34, Regarding Revisions of the Following: Period of Use (for Irrigation Water Uses), Conjunctive Management General Provisions (“Supplemental Director’s Report”)*. This *Supplemental Director’s Report* included a General Provision 5 (“separate streams”) regarding the administration of certain water rights which were listed on “Attachment A” attached thereto.

2. On July 30, 1999, Mountain Springs Ranch, LLC, filed an objection to the *Supplemental Director’s Report*, objecting to, *inter alia*, General Provision 5 for water right no. 34-10635.

3. On January 27, 2000, this Court issued an order appointing Special Master Cushman as settlement judge for the separate streams issue.

4. On April 10, 2000, a settlement conference was held before Special Master Cushman, in which Mr. Patrick Brown, counsel for Mountain Springs Ranch, LLC, participated.

5. On June 13, 2000, this Court issued an *Order Setting Trial Date, Final Pre-Trial Conference, Discovery Deadlines, and Pre-Trial Motions for Basin-Wide Issues 5-34 (General Provisions Unique to Basin 34) – I.R.C.P. 16* (“*Trial Scheduling Order*”).

6. At the June 22, 2000, monthly status conference, Mr. Patrick Brown, counsel for Mountain Springs Ranch, LLC, stated on the record that his client, who owns water right no. 34-10635, wishes to have this water right number included on the “Attachment A” list of separately administered streams, but that the parties who attended the settlement conference were unable to reach an agreement regarding the inclusion of this water right on that list. Therefore, there remains an unresolved objection with respect to this water right to the separate streams general provision.

### **III.**

#### **AMENDMENT TO TRIAL SCHEDULING ORDER**

In accordance with the forgoing, IT IS HEREBY ORDERED that the outstanding separate streams issue in subcase no. 34-10635 will follow the same schedule outlined in the June 13, 2000, *Trial Scheduling Order*, with the exception that all dispositive pre-trial motions with respect to the unresolved separate streams issue subcase no. 34-10635 shall be filed and heard by Monday, December 18, 2000.

IT IS SO ORDERED:

DATED: June 23, 2000.

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BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication