

**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)	NOTICE OF INFORMATIONAL
)	MEETING AND STATUS
Case No. 39576)	CONFERENCE RE: ISSUES
)	INVOLVED IN STOCKWATER
)	CLAIMS ON FEDERAL PUBLIC
_____)	LAND

At the July 27, 2000, IDWR informational meeting, and in some recent filings with the Court, it was brought to the Court's attention that there are currently pending before the Court and the Special Masters many subcases which apparently involve similar issues related to claims for stockwater located on federal public land. A cursory review of the pending actions indicates that some of the issues are substantive¹ while others appear to be more procedural in nature in that they involve the alleged different ways in which stockwater claims have been made by the United States and by private stockwater claimants and the procedures by which other parties to the SRBA have been notified of these claims.² To date, partial decrees have been entered in some of the subcases to which motions to set aside the partial decrees have been filed based on alleged procedural due process irregularities. It also appears that some of the substantive and procedural issues may be interrelated in that the identification of potentially competing claims to stockwater and the due process notice requirements thereof may be affected by the extent

¹ See e.g., *Joint Motion to Consolidate Subcases Identified in Attached Exhibits A, B, and C, Vacate Order of Reference to the Special Master for the Subcases Identified in Attached Exhibits A, B, and C, and Stay the Related Subcases Identified in Attached Exhibits D and E* (July 31, 2000) jointly filed by the United States of America and the Western Stockgrowers Assoc. et al. ("The basic legal issues raised by these claims are similar in all of the subcases; namely, whether the rights should be decreed to the United States, the Western Stockgrowers, neither or both, and what priority date should be decreed").

² See e.g., *Motion to File Late Objections and Set Aside Partial Decrees* and memorandum in support thereof, (June 30, 2000) filed by A.L. Cattle, Inc. (seeking to set aside partial decrees issued to the United States and for leave to file late objections on the grounds that the "bifurcated" filing and reporting schedules for "competing" or "overlapping" stockwater claims filed by private stockwater claimants and the United States led to confusion and mistake on the part of the private claimant).

to which the elements of a stockwater claim are described with specificity and the timing of when the claims were made and reported out by IDWR.

Therefore, parties to the SRBA are HEREBY NOTIFIED that the Court will hold a status conference for the following purposes:

1. Discuss with the parties the procedural posture of the currently pending actions that may involve the above-described issues and how to proceed in an expeditious and efficient manner, including what to do about overlapping claims, some of which are already partially decreed.
2. Ascertain whether there are other subcases which currently or potentially involve the same or similar questions of law or fact.
3. Discuss to what extent the currently pending actions involve claims or defenses which are typical of those which may be encountered subsequently, and whether resolution of the issues involved in any of these actions will be dispositive of the issues involved in subsequent subcases.
4. Discuss the possible interrelationship of the substantive and procedural issues that may be involved and how best to proceed in light of that interrelationship.
5. How IDWR can identify overlapping claims.
6. Any other related issues which may arise based upon the presentation by IDWR and/or comments made at the status conference.
7. The possibility of designating one or more test cases and the propriety of staying the remaining cases which involve the above-described issues.

Informational Meeting: The parties to the SRBA are HEREBY NOTIFIED that an IDWR informational meeting will be held on **Monday, September 18, 2000, at 9:00 a.m. at the Snake River Basin Adjudication Court, 253 3rd Ave N., Twin Falls, ID.** A representative from IDWR will be making a presentation to describe how stockwater claims are processed and reported by IDWR and how competing or overlapping claims for stockwater can be identified. This will include a computer demonstration by IDWR.

Status Conference: The parties to the SRBA are HEREBY NOTIFIED that a Status Conference will be held **beginning at 11:00 a.m. on September 18, 2000**, or as soon after the informational meeting as is possible. Those wishing to participate in the

Status Conference by telephone should contact the Clerk of the Court by 5:00 p.m. on September 15, 2000.

IT IS SO ORDERED:

Dated: Wednesday, August 30, 2000

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