

**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)	Subcases 61-11783, 61-11784 and 61-11785
)	
Case No. 39576)	ORDER DENYING MOTION TO PARTICIPATE AND SETTING DEADLINE FOR <i>AMICUS CURIAE</i> BRIEFS
)	

On November 21, 2000, a hearing was held in the above-captioned subcases for two purposes; first to hear arguments on a *Motion to Participate* filed on October 31, 2000, by the J. R. Simplot Company and the J. R. Simplot Self-Declaration of Revocable Trust (hereinafter “Simplot”), and second, pursuant to Idaho Code § 42-1411A(14), to allow the United States to demonstrate a *prima facie* case of the existence of its claims to the subject federal reserved water rights.

For the various reasons stated by the Court at that hearing, Simplot’s *Motion to Participate* is HEREBY DENIED.

At the hearing, the Court posed several questions to the United States regarding the basis for its claims to the subject federal reserved water rights. Therefore, IT IS HEREBY ORDERED that the United States shall respond in writing to those questions by **Monday, December 11, 2000**.

Because the aforementioned questions predominantly involve issues of law and because the United States is the only party to these subcases, the Court finds that allowing Simplot and the State of Idaho to file *amicus curiae* briefs will be useful in ensuring that all relevant legal arguments are presented to the Court. Therefore, IT IS HEREBY ORDERED that Simplot and the State of Idaho may file *amicus curiae* briefs addressing the questions posed by the Court at the November 21, 2000, hearing. Such briefs must be filed by **Monday, December 11, 2000**.

Failure to file by that date shall constitute a waiver of the opportunity for further participation as *amicus curiae*.

IT IS SO ORDERED.

DATED November 24, 2000.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER DENYING MOTION TO PARTICIPATE AND SETTING DEADLINE FOR *AMICUS CURIAE* BRIEFS** was mailed on November 22, 2000, with sufficient first-class postage to the following:

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