

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

<b>In Re SRBA</b>	)	<b>Subcase Nos. 36-07004 &amp; 36-02659</b>
	)	<b>(Clear Lakes Trout Co., Inc.)</b>
<b>Case No. 39576</b>	)	
	)	<b>ORDER VACATING PARTIAL</b>
	)	<b>DECREES AND RECOMMITTING</b>
	)	<b>SUBCASES TO SPECIAL MASTER</b>
_____	)	<b>DOLAN</b>

**PROCEDURAL BACKGROUND**

1. On April 10, 2000, a *Partial Decree* was entered in each of the above-entitled subcases. The partial decrees were entered following this Court’s ruling on a challenge filed in the above-captioned subcases on issues of “facility volume” and “additional evidence.” *See Order on Challenge (Consolidated Issues) of “Facility Volume” Issue and “Additional Evidence” Issue*, subcase no. 36-02708 *et al.* (Dec. 29, 1999).
2. Following entry of the partial decrees, it came to the Court’s attention that previously on August 19, 1998, Special Master Dolan issued an order staying pending motions to alter or amend filed in the above-captioned subcases on the issues of “conjunctive management” and “points of diversion.” *See Order Vacating Status Conference and Temporarily Staying Subcases*, subcase nos. 36-02659, 36-07004, 36-07080, 36-07731 (Aug. 19, 1998). The issues were stayed pending the issuance of the Special Master’s Report in subcases 36-02708 and 36-07218 consisting of claims filed by Clear Springs Foods, Inc., pending before Special Master Haemmerle and which involved overlapping issues. Although, the issue of conjunctive management is proceeding as a

basin-wide issue, the issues regarding “points of diversion” in the above-captioned subcases have not yet been heard by Special Master Dolan.

3. On April 24, 2000, claimant, Clear Lakes Trout Co., Inc., filed a *Motion to Stay Partial Decrees*, also bringing to the Court’s attention that the pending motion had not been heard or otherwise resolved. On May 8, 2000, Clear Lakes Trout Co., Inc., also filed a supporting brief explaining the procedure of the two subcases.

4. Accordingly, the partial decrees entered in the above-captioned subcases were issued in error.

### ORDER

Therefore; IT IS HEREBY ORDERED for the reasons set forth above, that the *Partial Decree* entered in subcase 36-07004 on April 10, 2000, and the *Partial Decree* entered in subcase 36-02659 on April 10, 2000, are hereby **vacated**.

IT IS FURTHER HEREBY ORDERED that the two subcases are recommitted to Special Master Dolan for further proceedings consistent with this Order.

IT IS SO ORDERED.

DATED: May 9, 2000.

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