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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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

Case No. 39576

) Subcases 47-02594, *et al.*
) (see list of 27 subcases attached)
) (USDA/FS and USDI/BLM)
)
) ORDER PARTIALLY LIFTING STAY
) AND GRANTING MOTION TO
) WITHDRAW MOTION TO SET
) ASIDE PARTIAL DECREES

On July 12, 1999, Joe Tugaw filed a *Motion to Set Aside Partial Decrees* in 95 subcases in Basins 45 and 47, including the above listed 27 subcases in Basin 47. The same date, Mr. Tugaw also filed an *Objection* to the United States' claims alleging the water rights should not exist. On July 2, 2001, the Special Master entered an *Order Staying Subcases* in Basins 45 and 47, including the above listed 27 subcases in Basin 47.

A status conference was held on December 11, 2002, at the SRBA Courthouse in Twin Falls, Idaho. David L. Negri appeared for claimant the United States of America, Department of Agriculture, Forest Service; Larry A. Brown appeared by telephone for claimant the United States of America, Department of Interior, Bureau of Land Management; Travis L. Thompson appeared by telephone for objector Joe Tugaw; and Roxanne Brown represented IDWR by telephone.

Counsel for Mr. Tugaw moved to withdraw his *Motion to Set Aside Partial Decrees* because he and the United States signed and filed a *Stipulation and Joint Motion for Order Approving Stipulation* on August 26, 2002. Counsel for Mr. Tugaw and the United States agreed the *Order Staying Subcases* should be lifted in the above listed 27 subcases in Basin 47.

THEREFORE, IT IS ORDERED that:

1. The *Order Staying Subcases* is lifted as to the 27 subcases in Basin 47 listed above, and

2. Joe Tugaw's motion to withdraw his *Motion to Set Aside Partial Decrees* in the above listed 27 subcases in Basin 47 is **granted**.

DATED December 12, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

47-02594
47-02632
47-07596
47-07597
47-07598
47-07602
47-08030
47-08051
47-14996
47-14998
47-15012
47-15013
47-15014
47-15016
47-15017
47-15018
47-15021
47-15022
47-15029
47-15030
47-15036
47-16670
47-16689
47-16690
47-16691
47-16712
47-16723

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER PARTIALLY LIFTING STAY & GRANTING MOTION TO WITHDRAW MOTION TO SET ASIDE PARTIAL DECREES was mailed on December 12, 2002, with sufficient first-class postage to the following:

JOE TUGAW

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USDA FOREST SERVICE
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