

RECEIVED

AUG 16 2002

Department of Water Resources

2002 AUG 15 PM 2:23

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

**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 No. See Exhibit A**
) **(A.L. Cattle)**
)

Case No. 39576

) **ORDER DISMISSING MOTION TO FILE**
) **LATE OBJECTIONS PURSUANT TO**
) **STIPULATION; ORDER REMOVING A.L.**
) **CATTLE AS A PARTY; I.R.C.P 41(a)(1)**
)

I.

PROCEDURE

On June 30, 2000, A.L. Cattle, Inc. ("A.L. Cattle"), through counsel, filed a *Motion to File Late Objections and Set Aside Partial Decrees* ("Motion") to 110 stockwater right claims filed and/or decreed in the name of the United States Department of the Interior, Bureau of Land Management for use on federal grazing allotments. The *Motion* sought to set aside partial decrees previously issued for those water right claims that had been partially decreed and to file late objections to the same claims. The *Motion* also sought to file late objections to nineteen (19) pending claims that had not been partially decreed. The United States asserted both a state and federal law basis for the 19 claims. Prior to the filing of A.L. Cattle's *Motion*, only the federal law basis for the 19 claims was at issue. See SRBA consolidated subcase no. 65-19736.

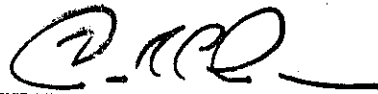
On January 31, 2001, the SRBA District Court issued an order denying A.L. Cattle's *Motion* with respect to setting aside the partial decrees. The motions for late objections to the claims that were not partially decreed were referred back to this Special Master Cushman for determination. See *Order on Motion to Set Aside Partial Decrees and File Late Objections, Order of Reference to Special Master Cushman, Subcase nos. 65-07267 et seq.* (January 31, 2001) ("January 31, 2001, Order"). On February 14, 2001, A.L. Cattle filed a *Motion for Reconsideration of Order on Motion to Set Aside Partial Decrees and File late Objections*, which was also subsequently denied by the SRBA District Court.

The matter was set for a hearing before this Special Master on June 26, 2002. On June 24, 2002, the parties filed a *Stipulation of Dismissal* pursuant to I.R.C.P. 41(a)(1) with respect to A.L. Cattle's motion to file late objections in the 19 subcases.

**II.
RULING**

Therefore, in accordance with the SRBA District Court's *January 31, 2001, Order of Reference* and pursuant the June 24, 2002, *Stipulation of Dismissal*, the motions to file late objections filed in the 19 above-captioned subcases are dismissed and A.L. Cattle is removed as a party from the subcases. The deputy clerk is instructed to make the appropriate notations to the register of actions for these subcases. Because of the scope of the order of reference to this Special Master and the nature of the matter a separate special master's recommendation to the SRBA District Court will not issue on this ruling.

DATED: August 12, 2002



Thomas R. Cushman
Special Master
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

65-19812
65-19814
65-19816
65-19822
65-19824
65-19826
65-19909
65-19911
65-19913
65-19915
65-19917
65-19956
65-19958
65-19960
65-19962
65-19964
65-20129
65-22175
65-22185

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING MOTION TO FILE LATE OBJECTIONS PURSUANT TO STIPULATION; ORDER REMOVING A.L. CATTLE AS A PARTY was mailed on August 15, 2002, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

A L CATTLE INC

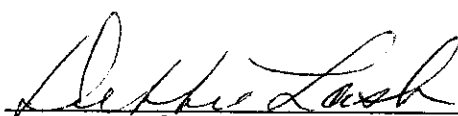
Represented by:
TRAVIS L THOMPSON
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk