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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

) Subcase 43-10356
) (William D. Jones and Son)
)
) SUPPLEMENTAL SPECIAL MASTER
) REPORT AND RECOMMENDATION

FINDINGS OF FACT

The Special Master filed a lengthy *Special Master Report and Recommendation* on March 2, 2004, in subcase 43-10356. None of the parties moved to alter or amend the *Report*, so SRBA Presiding Judge John Melanson entered an *Order of Partial Decree* on May 4, 2004.

On May 18, 2004, claimant William D. Jones and Son filed a *Memorandum of Costs and Attorney Fees*, along with the *Affidavit of Jason D. Walker in Support of Memorandum of Costs*, seeking costs of \$888.82 and attorney fees of \$12,654.00. The Presiding Judge entered an *Order of Reference Appointing Terrence A. Dolan Special Master to Conduct Proceedings on Costs and Fees* on May 25, 2004.

On May 28, 2004, John B. Lothspeich filed a *Notice of Appearance* as attorney for objectors Nolan K. Branch, Roscoe and Joyce Ward, Rodney Hall and Olene Warr. On June 7, 2004, Jason R. Miciak filed a *Motion for Withdrawal of Attorney*, along with the *Affidavit of Jason R. Miciak*, seeking withdrawal as attorney of record for the objectors.

Finally, on June 14, 2004, counsel for the claimant and the objectors filed a *Stipulation Re: Attorney Fees and Costs and Release* stating:

In return for the Objectors' release of their rights to further litigate the Partial Decree, the Claimants, William D. Jones and William D. Jones and Son, aka William D. Jones and Rodney Jones, will release and discharge any and all claims/attorney fees and costs in this matter and do hereby withdraw their application for attorney fees and costs.

A hearing on the matters was held on June 17, 2004, in Twin Falls, Idaho. Jason D. Walker appeared by telephone for the claimant; Mr. Lothspeich appeared for the objectors; and Nicholas B. Spencer appeared by telephone for IDWR. Counsel agreed the best course to close the subcase would be for the Special Master to file a report and recommendation and seek final orders from the Presiding Judge.

Conclusions of Law

The parties have shown good cause for the Presiding Judge to grant Mr. Miciak's *Motion for Withdrawal of Attorney* and to deem the *Stipulation* as a motion to withdraw the *Memorandum of Costs and Attorney Fees* and grant such motion.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. Jason R. Miciak's *Motion for Withdrawal of Attorney* be **granted**, and
2. The parties' *Stipulation* be deemed a motion to withdraw the claimant's *Memorandum of Costs and Attorney Fees* and the motion be **granted**.

DATED June 17, 2004.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SUPPLEMENTAL SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on June 17, 2004, with sufficient first-class postage to the following:

NOLAN K BRANCH
RODNEY HALL
ROSCOE WARD
WARR BROTHERS

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