

W-88BA
SANDFALLS CO., IDAHO
FILED

In Re SRBA
Case No. 39576

**FOR WATER RIGHTS: 78-10996,
78-11080, 78-12022, 78-10968, 78-10972**

This Special Master previously ruled that a pending homestead application defeated a reservation under PWR 107 in subcases 25-13635, 25-13637, 25-13653, 65-19960, 65-19962. This Special Master denied the United State's *Motion to Alter or Amend* in subcases 25-13635, *et al*, on May 24, 2004. The United States has filed a *Challenge Notice* in subcases 25-13635, *et al*, and that case is currently before Presiding Judge Melanson to resolve the legal issue of the effect of a pending homestead application on PWR 107.

SPECIAL MASTER'S REPORT
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question in the above-captioned subcases is identical to that in subcases 25-13635, *et al.* A pending decision by the Court in subcases 25-13635, *et al.*, will be applicable in the above subcases.

THEREFORE IT IS ORDERED that the *Motion to Alter or Amend* in the above captioned subcases is **denied** and it is recommended that the *Motion for Stay* be **granted** pending the Court's decision in subcases 25-13635, *et al.*

DATED: June 29, 2004.



THOMAS R CUSHMAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO ALTER OR AMEND AND RECOMMENDATION TO STAY PENDING CHALLENGE IN SUBCASE 25-13635 ET AL was mailed on June 29, 2004, with sufficient first-class postage to the following:

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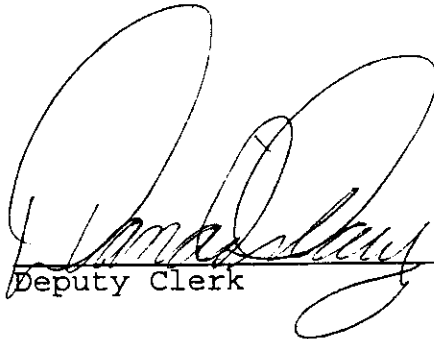
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