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TWIN FALLS CO., IDAHO
Department of Water Resources FILED

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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) Subcase 36-04080
Case No. 39576) (City of Burley)
)
) ORDER VACATING STAY,
) GRANTING
) CITY OF BURLEY'S MOTION TO
) FILE AMENDED NOTICE OF CLAIM,
) SETTING DEADLINES AND
) GRANTING
) CITY OF POCA TELLO'S NOTICE OF
) WITHDRAWAL

The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (IDWR Basin 36)* on November 2, 1992. The Director recommended claim 36-04080 to the City of Burley, P.O. Box 1090, Burley, Idaho, 83318, for 2.67 cfs from groundwater for year-'round municipal use within the city limits of Burley with a priority date of November 1, 1962, based on beneficial use.

On January 29, 1997, the Special Master entered an *Order Granting Motion for Stay* which provided: "Further consideration of the City of Burley's claim in Subcase 36-04080 is stayed until the Director's Report for Reporting Area 10 is filed." The Director filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004.

On December 1, 2004, the City of Burley filed a *Motion to File Amended Notice of Claim* in subcase 36-04080 seeking a priority date of October 20, 1960. On January 26, 2005, the City of Pocatello filed its *Notice of Withdrawal of Participation by the City of Pocatello* in subcase 36-04080.

A hearing on the City of Burley's *Motion* and the City of Pocatello's *Notice of Withdrawal* was held by telephone on January 27, 2005. R.C. Stone appeared for the City of

ORDER VACATING STAY, GRANTING CITY OF BURLEY'S MOTION TO FILE AMENDED NOTICE OF CLAIM, SETTING DEADLINES AND GRANTING CITY OF POCA TELLO'S NOTICE OF WITHDRAWAL

Burley; David J. Barber appeared for the State of Idaho; and Nicholas B. Spencer and Chris M. Bromley appeared for IDWR. No one opposed the *Motions* and good cause appeared therefor.

THEREFORE, IT IS ORDERED that:

1. The *Order Granting Motion for Stay* is vacated;
2. The City of Burley's *Motion* and the City of Pocatello's *Notice of Withdrawal* are granted;
3. IDWR shall file with the SRBA Court its recommendation concerning amended claim 36-04080 no later than **Friday, July 29, 2005**;
4. Objections to IDWR's recommendation concerning the amended claim shall be filed with the SRBA Court no later than **Friday, August 26, 2005**; and
5. Responses to objections, if any, shall be filed with the SRBA Court no later than **Friday, September 9, 2005**.

DATED January 28, 2005.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER was mailed on January 28, 2005, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
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CITY OF BURLEY

Represented by:
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DIRECTOR OF IDWR

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