

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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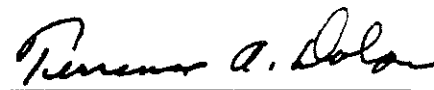
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcases 45-10502 and 45-13669
	)	(Warthen)
Case No. 39576	)	
	)	ORDER GRANTING UNITED
_____	)	STATES MOTION TO PARTICIPATE

On January 27, 2006, the United States of America, Department of Agriculture, Forest Service filed a *Motion to Participate* in the above two subcases: "Because Mr. Warthen's water right claims and the Forest Service's water right claims share the same water source, the Forest Service's ability to protect its interests may be impaired or impeded by resolution of the subcases at bar."

A hearing on the *Motion* was held by telephone on February 9, 2006. Shelley M. Davis appeared for Earl Warthen; Michael P. Tribe appeared for Norman, Delores and Kevin Smyer; David L. Negri appeared for the United States, along with Steve Spencer; and Chris M. Bromley appeared for IDWR. No one opposed the *Motion*.

THEREFORE, IT IS ORDERED that the United States *Motion to Participate* is **granted**.
DATED February 9, 2006.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING UNITED STATES MOTION TO PARTICIPATE was mailed on February 09, 2006, with sufficient first-class postage to the following:

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