

RECEIVED

MAR 26 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAR 25 2009

By _____ Clerk

Deputy Clerk

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 75-2025E (Mosher), 75-10061Q
Case No. 39576) (Quinn) and 75-14431 (Matejko)
)
) ORDER WITHDRAWING REPORT
) AND RECOMMENDATION AND
) SETTING HEARING ON MOTION TO
) FILE LATE OBJECTION

On December 18, 2008, the Special Master entered a *Report and Recommendation* in the above three subcases. A *Standard Form 5* had been filed in subcase 75-10061Q while 75-2025E and 75-14431 were identified as uncontested overlapping claims; hence, the three claims were recommended for partial decrees.

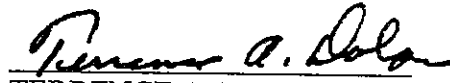
On January 2, 2009, the Carmen Creek Users filed a *Motion to Alter or Amend Special Master's Recommendation* in subcase 75-10061Q. A hearing on the *Motion* was held on March 5, 2009. Travis L. Thompson appeared for the Carmen Creek Users, along with Albert Fols; Jerry R. Rigby, Ray W. Rigby and Hyrum D. Erickson appeared for James and Rowena Quinn; David L. Negri appeared for the USDI / BLM, along with Fredric W. Price; John Burns and Joe Cabigas appeared *pro se*; and Garrick L. Baxter appeared for IDWR, along with Suzy Cooley-Denney.

No one opposed the *Motion* except the United States because of its concern of undoing progress in the SRBA and its concern with its prior settlement. Mr. Thompson assured the United States the *Motion* would not affect its settlement with the Quinns. Because the two uncontested overlapping claims may be affected by resolution of 75-10061Q, all three claims should be held in abeyance.

THEREFORE, IT IS ORDERED that the *Report and Recommendation* is hereby **withdrawn**.

On March 18, 2009, a *Motion to File Late Objection* was filed in subcase 75-10061Q. The Court will hear this *Motion* on **August 6, 2009, 3:30 p.m.** at the SRBA District Court. Parties may participate by telephone by dialing 1-225-383-1099 and entering participant code 654400.

DATED March 25, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER WITHDRAWING REPORT AND RECOMMENDATION AND SETTING HEARING ON MOTION TO FILE LATE OBJECTION was mailed on March 25, 2009, with sufficient first-class postage to the following:

A C & LUELLA PILKERTON
ABLERT C & ALVERA C FOLS
CHARLES E & MARY N HARLING
LLOYD A & SHERYL L TUTOR
MARCI M DIXON
TRACY MARCIA

Represented by:

PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

JAMES R QUINN
ROWENA D QUINN

Represented by:

RAY W. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CARMEN CREEK USERS

Represented by:

TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

GEORGE MATEJKO
PO BOX 129
CARMEN, ID 83462
Phone: 208-756-1946

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FRANSICKA MOSHER
ROBERT D MOSHER
54 PARMENTER RD
PO BOX 213
CARMEN, ID 83462-0213
Phone: 208-756-4607