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Department of Water Resources
Adjudication Bureau

1994 MAR 28 PM 12: 47

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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 NOS. 36-15450
) 36-00030
) 36-00104A
) 36-00104B
) 36-00043A
) 36-00084
) 36-00012

) ORDER ACCEPTING SPECIAL
) MASTER DOLAN'S RECOM-
) MENDATION THAT THE
) UNITED STATES MOTION FOR
) TEMPORARY RESTRAINING
) ORDER OR TEMPORARY
) INJUNCTION BE DENIED
)

Michael A. Gheleta, Attorney, U.S. Department of Justice, for the United States.

A. Lynne Krogh, Deputy Attorney General, for the State of Idaho.

John T. Lezamiz, Hepworth, Nungester & Lezamiz, for Shelby Wise and Fred
Mavencamp.

John K. Simpson and Gary D. Slette, Rosholt, Robinson & Tucker, for Flying Triangle.

Ronnie Smith, pro se.

ORDER ACCEPTING SPECIAL MASTER DOLAN'S
RECOMMENDATION THAT THE UNITED STATES'
MOTION FOR TEMPORARY RESTRAINING ORDER
OR TEMPORARY INJUNCTION BE DENIED

APPROPRIATELY FILED
IN THE SNAKE RIVER BASIN ADJUDICATION
ON MARCH 17, 1994, SPECIAL MASTER TERRENCE A. DOLAN PRESIDED OVER THE UNITED STATES'

Motion for Temporary Restraining Order or Temporary Injunction. Special Master Dolan recommended to the Presiding Judge, the Honorable Daniel C. Hurlbutt, Jr., that the motion be denied for the reason that the United States failed to meet its burden of proof to establish "immediate and irreparable injury, loss or damage will result" if the motion is not granted. I.R.C.P. 65(b).

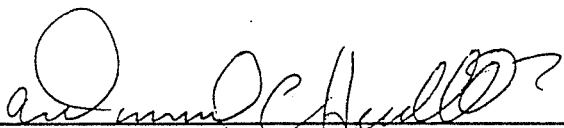
Parties were afforded an opportunity to present a challenge to Mr. Dolan's recommendation.

Having fully heard challenges to Mr. Dolan's recommendation, IT IS ORDERED that the recommendation will be accepted by this Court.

There was no showing that the findings presented by Mr. Dolan in support of his recommendation are clearly erroneous.

The *Motion for Temporary Restraining Order or Temporary Injunction* motion is DENIED.

DATED March 28, 1994.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER ACCEPTING SPECIAL MASTER DOLAN'S
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OR TEMPORARY INJUNCTION BE DENIED

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CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER ACCEPTING SPECIAL MASTER DOLAN'S RECOMMENDATION THAT THE UNITED STATES MOTION FOR TEMPORARY RESTRAINING ORDER OR TEMPORARY INJUNCTION BE DENIED** was mailed on March 28, 1994, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
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Boise, ID 83711-4449

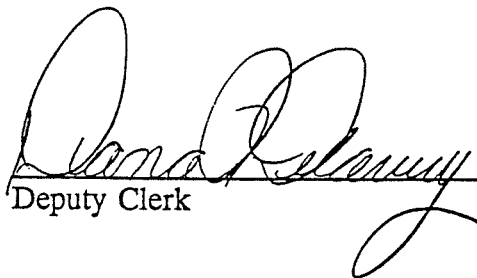
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Deputy Clerk

**ORDER ACCEPTING SPECIAL MASTER DOLAN'S
RECOMMENDATION THAT THE UNITED STATES'
MOTION FOR TEMPORARY RESTRAINING ORDER
OR TEMPORARY INJUNCTION BE DENIED**