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IDAHO DISTRICT COURTFAX NO. 208 387 0842
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1994 MAR 28 PM 2: 58

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILEDIN 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, 36-00012ORDER DISMISSING UNITED
STATES' CONSOLIDATED
MOTIONS FOR PRELIMINARY
INJUNCTION AND INTERIM
ADMINISTRATIONMichael A. Gheleta, Barbara Scott-Briar and Randy Bramer for the United
States Department of Justice

A. Lynne Krogh for the Idaho Department of Water Resources

John T. Lezamiz, Hepworth, Nungester & Lezamiz Chartered, for Flying
Triangle Inc., V. John Mavencamp, Fred L. Mavencamp, Nevada
Omohundro, Shelby Wise, and Joan Wise

Ronnie D. Smith and Sharlene Smith, pro se

WHEREAS, hearing on the *United States' Consolidated Motions for Preliminary Injunction and Interim Administration* (Consolidated Motions) was set for an emergency relief hearing on March 29, 1994; and

WHEREAS, the United States filed a *Motion to Vacate Hearing* scheduled for March 29, 1994, and advised the court that "much of the harm to the steelhead from reduced water flows through the Hatchery has already occurred in the period prior to and since denial of the United States' motion for a temporary restraining order" (*Motion to Vacate Hearing* p. 2); and

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WHEREAS, the United States stated its "preference that the parties proceed to address the merits of these subcases before the Special Master as soon as possible" id.;

IT IS ORDERED that the *Motion to Vacate Hearing* will be and is treated as a motion to withdraw the Consolidated Motions and that the Consolidated Motions are hereby DISMISSED.

The *Motion to Vacate Hearing* is GRANTED and all further proceedings in the enumerated subcases shall proceed before the Special Master.

IT IS FURTHER ORDERED that the United States shall serve a copy of this *Order Dismissing United States' Consolidated Motions for Preliminary Injunction and Interim Administration* on each party to the Consolidated Motions. The Certificate of Service of this order shall be filed with this court on or before 8 a.m. March 29, 1994.

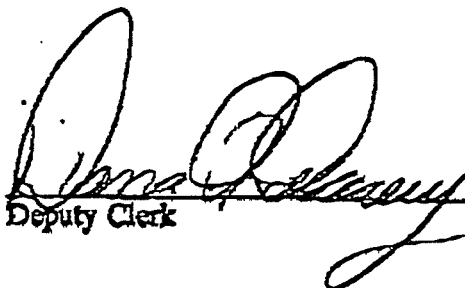
DATED March 28, 1994.


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

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the *ORDER DISMISSING UNITED STATES' CONSOLIDATED MOTIONS FOR PRELIMINARY INJUNCTION AND INTERIM ADMINISTRATION* was served by facsimile on March 28, 1994, to the following:

The United States Department of Justice
208-387-0842


Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

General Litigation Section
Denver Office

999 Eighteenth Street, Suite 945
Denver, Colorado 80202
Telephone: (303) 294-1900
Telefacsimile: (303) 294-1931

March 29, 1994

TELEFAX COVER SHEET

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

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From: Barbara J. H. Quatermass, Legal Technician

To: **Lynn Krough, Esq.**
Office of the Attorney General
FAX - (208) 327-7866

John Lezamiz, Esq.
Hepworth, Nungester & Lezamiz
FAX - (208) 734-4115

No of pages, including cover sheet:

Case/Matter: Snake River Basin Adjudication, Case No 39576

Message: Certificate of Mailing and the Court's ORDER DISMISSING UNITED STATES' CONSOLIDATED MOTIONS FOR PRELIMINARY INJUNCTION AND INTERIM ADMINISTRATION

Please disregard prior telefacsimile transmission of this document



U.S. Department of Justice

Environment and Natural Resources Division

WMC:MAGheleta
90-6-2-63C

General Litigation Section
Denver Office

Michael A. Gheleta, Esq.
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March 29, 1994

Diana R. Delaney
Chief Deputy Clerk
Clerk of the SRBA Court
District Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

RE: Snake River Basin Adjudication
Case No. 39576
Subcase Nos.: 36-15450; 36-00030; 36-00104A; 36-00140B; 36-00043A;
36-00084; 36-00012

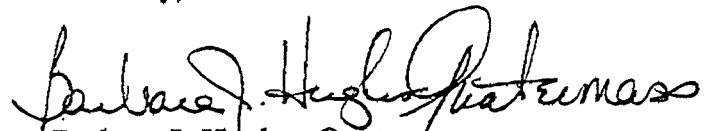
Dear Ms. Delaney:

Attached you will find a copy of the following:

CERTIFICATE OF MAILING

per the Court's ORDER DISMISSING UNITED STATES' CONSOLIDATED MOTIONS FOR PRELIMINARY INJUNCTION AND INTERIM ADMINISTRATION. Please file this document with the court. Should you have any questions or comments, please do not hesitate to contact me at (303) 294-1900.

Sincerely,


Barbara J. Hughes-Quaternmass
Legal Technician

cc: Lynne Krough, Esq.
John Lezamiz, Esq.
Sharlene and Ronnie D. Smith