

RECEIVED

MAR 24 1995

Department of Water Resources
Adjudication Bureau

RECEIVED

MAR 23 1995

OFFICE OF THE
ATTORNEY GENERAL

1995 MAR 21 PM 4:05

DISTRICT COURT-SRBA
TWINFALLS 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 No.: 34-07073

)
) ORDER DISMISSING UNITED
) STATES' OBJECTION and
) DISMISSING UNITED STATES AS
) PARTY TO SUBCASE
)

On February 26, 1993, the United States filed an Objection to water right 34-00960. The City of Mackay filed a response on June 30, 1993. The City of Pocatello filed a response on July 1, 1993. The State of Idaho Department of Water Resources filed a response on July 1, 1993. Subsequently, on March 20, 1995, the United States filed its *Stipulation to Withdraw Objections in Subcase 34-00780C, 34-00960, 34-07073* stating "that all objections in the pending subcase are withdrawn by the United States and dismissed with prejudice." The signatories to the *Stipulation* are the claimant/respondent, City of Mackay; the respondent, the City of Pocatello; the objector, the United States; and the respondent, State of Idaho. Thus it appears that all parties to this subcase have signed the *Stipulation*.

The court will treat the *Stipulation* as a request by the parties to allow the United States to withdraw as a party to this subcase, and dismiss its objection with prejudice.

Therefore, based on the file and record herein, and good cause appearing, IT IS ORDERED that the United States is **dismissed as a party** to this subcase. IT IS FURTHER ORDERED that the objection filed by the United States is **dismissed with prejudice**.

It appears that the only objection to this subcase was the one filed by the United States. However, the claimant, City of Mackay, and respondents, IDWR and the City of Pocatello, are still parties to this subcase. Although it is possible that this subcase has been resolved by the

remaining parties, no *Standard Form 5* has yet been filed indicating how this case shall be resolved. Therefore, the settlement conference scheduled for March 29, 1995 will **not be vacated** unless the parties submit a *Standard Form 5* prior to that time.

IT IS SO ORDERED.

DATED March 21, 1995.



BRIGETTE BILYEU
Special Master, Reporting Area 1
Snake River Basin Adjudication

CERTIFICATE OF MAILING

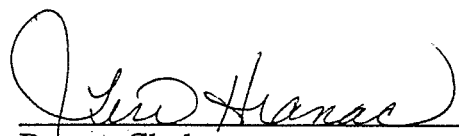
I certify that a true and correct copy of the **ORDER DISMISSING UNITED STATES' OBJECTION and DISMISSING UNITED STATES AS PARTY TO SUBCASE** was mailed on March 21, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

William Hollifield
Attorney at Law
P.O. Box 66
Twin Falls, ID 83303

Josephine Beeman
Attorney at Law
P.O. Box 829
Boise, ID 83701



Deputy Clerk

APR 5 3 58 PM '95

ORDER DISMISSING UNITED STATES' OBJECTION
and DISMISSING UNITED STATES AS PARTY TO SUBCASE
3/21/95