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Department of Water Resources
Adjudication Bureau

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ATTORNEY GENERAL

1995 MAY 24 PM 5: 18

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 No. 36-07308

)
) ORDER GRANTING MOTION TO FILE LATE
) OBJECTION TO AN UNCONTESTED WATER
) RIGHT and

) REFERRING SUBCASE TO A SPECIAL
) MASTER FOR FURTHER PROCEEDINGS

On March 22, 1995, Dennis L. Newton and Randy W. Newton, claimants to Water Right No. 36-07308, filed an ex parte *Motion to Amend Notice of Claim (Motion)*. Substantively, the court will treat this *Motion* as a late objection to an uncontested water right. Notice of this *Motion* was provided to the State of Idaho and the United States Department of Justice. No opposition and no response has been filed.

This water right was recommended in the Director's Report for Reporting Area 3 with a priority date of March 2, 1973 and no objection was filed. No partial decree has issued for this water right. By this *Motion* the claimants essentially assert a late objection to the "uncontested" recommendation, thereby creating a contested subcase.

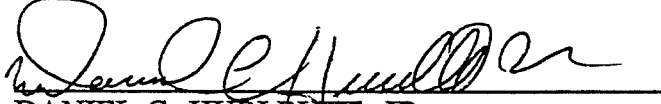
The *Motion to File a Late Objection* is **GRANTED** and the hearing set for 1:30 p.m. on June 20, 1995 is vacated. Responses to the late objection shall be filed within 30 days of the

ORDER GRANTING MOTION TO FILE LATE OBJECTION TO AN
UNCONTESTED WATER RIGHT and REFERRING SUBCASE TO
A SPECIAL MASTER FOR FURTHER PROCEEDINGS
5/24/95

date of this order. All further proceedings in this subcase shall be before Special Master Terrance A. Dolan.

IT IS SO ORDERED.

DATED May 24, 1995.


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

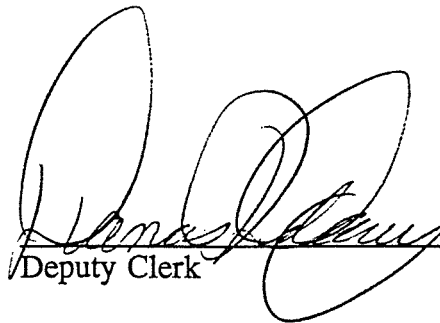
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND NOTICE OF CLAIM was mailed on May 24, 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

Dennis L. Newton
Randy W. Newton
Box 1468 Route 1
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Deputy Clerk