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34-02379A

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|------------------------------------------------------------------------------------|
| DISTRICT COURT<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| JAN - 9 1995                                                                       |
| By _____<br>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

Case No. 39576

) Subcase No. 34-02379A

) ORDER DENYING MOTION TO  
) VACATE HEARING  
)

95-01-0023

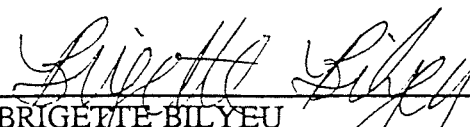
On December 7, 1994 the court issued an *Order Setting Hearing on IDWR's Motion to Correct Errors in Water Rights* for this subcase. On January 5, 1995 attorney Kent W. Foster filed on behalf of Everett T. Acor a *Motion to Vacate or Continue Hearing*.

It appears that Everett T. Acor is not a party to this subcase. He is not the claimant, nor did he file an objection or response in this subcase. In addition, no *Motion to Participate* was filed by Mr. Acor in this subcase. Since Mr. Acor is not a party to the subcase, he may not properly bring any motions.

IT IS ORDERED that the *Motion to Vacate or Continue Hearing* for this subcase is DENIED. The hearing on the *Motion to Correct Errors* in this subcase will be held at the time and place previously set, (1:30 p.m. January 17, 1995 at the Snake River Basin Adjudication Courthouse, 253 Third Avenue North, Twin Falls).

IT IS SO ORDERED.

DATED January 9, 1995.

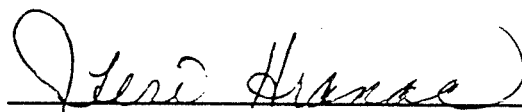
  
BRIGETTE BILYEU  
Special Master, Reporting Area 1  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the **ORDER DENYING MOTION TO VACATE HEARING** was mailed on January 9, 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

Jack L. McAfee  
Jean H. McAfee  
P.O. Box 618  
Moore, ID 83255

  
\_\_\_\_\_  
Deputy Clerk

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ORDER DENYING MOTION TO VACATE HEARING  
1/9/95