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Department of Water Resources
Adjudication Bureau

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

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. 34-10694

)
) ORDER GRANTING U.S. MOTION
) TO WITHDRAW OBJECTION AND
) WITHDRAW AS PARTY; and
) GRANTING CLAIMANTS'
) MOTION TO FILE LATE
) OBJECTION

95-01-0080

Claimants, Raymond E. and Marcell J. Bright, filed a *Motion for Leave to File Late Objections (Motion for Late Objection)* to this water right through their attorneys Rigby, Thatcher, Andrus, Rigby, Kam & Moeller. In the same *Motion for Late Objection*, Jack Demorest sought leave to file a late objection to this water right. Mr. Demorest is not currently a claimant to this water right. The United States filed its *United States' Motion to Withdraw or Dismiss Objections and Request that Hearing be Held on January 17, 1995 (Motion to Dismiss)*. Hearings on both *Motions* were held January 17, 1995.

The United States argued that it should be allowed to withdraw from the subcase. The United States filed an objection on behalf of the Department of Interior, Bureau of Land Management on February 26, 1993, but filed its *United States' Notice of Withdrawal of Objection* on June 22, 1993. The United States argued that it does not want to participate further as a party to this subcase, and sought leave to withdraw its Objection as a pleading in this subcase. There were no objections to the *Motion to Dismiss*. Therefore, IT IS ORDERED that the objection filed

ORDER GRANTING U.S. MOTION TO WITHDRAW
OBJECTION AND WITHDRAW AS PARTY; GRANTING
CLAIMANTS' MOTION TO FILE LATE OBJECTION;
GRANTING MOTION TO VACATE SETTLEMENT
CONFERENCE

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by the United States to this water right shall be **dismissed with prejudice**, and the United States shall be **dismissed as a party** to this subcase.

The claimants, Raymond E. and Marcell J. Bright, and Jack Demorest argued that they should be allowed to file a late objection to this water right. In support of their *Motion for Late Objection*, the Brights and Mr. Demorest submitted the *Affidavit of Ray W. Rigby*. The affidavit states that through inadvertence, the Objections of the Brights and Mr. Demorest were not filed previously. The record also reflects that the Brights and claimants, Delvin A. and Roxanne R. Hale, filed a response to the Objection of the United States on July 1, 1993. There were no objections to the *Motion for Late Objection*. The court finds that there will be no harm or prejudice to any parties to this subcase to allow the Brights and Mr. Demorest to file a late Objection. Based on the oral argument, the record for this subcase, and good cause appearing,

IT IS FURTHER ORDERED that leave is granted for Raymond E. and Marcell J. Bright and Jack Demorest to file a late objection to this subcase. The following deadlines shall apply:

January 27, 1995 5:00 p.m. Late Objection Due. (If the Brights and Mr. Demorest do not file an objection on or before January 27, 1995, the court shall deem the objection which was attached to the *Motion for Late Objection* filed as of January 27, 1995)

March 24, 1995 5:00 p.m. Response Due.

IT IS SO ORDERED.

DATED January 27, 1995.


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

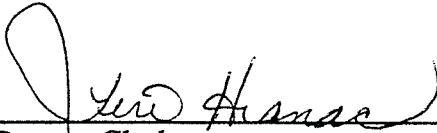
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING U.S. MOTION TO WITHDRAW OBJECTION AND WITHDRAW AS PARTY; and GRANTING CLAIMANTS' MOTION TO FILE LATE OBJECTION** was mail January 26, 1995, with sufficient first-class postage prepaid 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
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Gregory W. Moeller
Rigby, Thatcher, Andrus, Rigby & Kam
P.O. Box 250
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Deputy Clerk

