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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 Nos. 34-00322A

)
) ORDER GRANTING MOTION TO
) VACATE SETTLEMENT
) CONFERENCE

On January 24, 1995, a *United States' Motion to Dismiss Subcase and Vacate Settlement Conference (Motion)* was filed in the above-referenced subcase. The United States argues that this subcase should be dismissed and any settlement conferences vacated because no such water right number exists. An objection to this water right was filed on March 17, 1993 by San Felipe Ranch and appears to have been signed by Randy Nelson. The objection identifies the United States Bureau of Land Management as the claimant of this water right. The United States represented to the court in its *Motion* that it did not file a claim for this water right. The State of Idaho Department of Water Resources (IDWR) filed a response to this water right dated July 16, 1993. In its response, IDWR also asserts that no claim was filed for water right 34-00322A. The objector, San Felipe Ranch, submitted a *Response to United States' Motion to Continue Settlement Conferences*. In its response, San Felipe Ranches concedes that the objection it filed for 34-00322A was erroneously numbered. Thus, San Felipe Ranches does not object to vacating the settlement conference for this subcase. It appears that a settlement conference for this water right would be unproductive at this time.

Therefore, IT IS ORDERED that the settlement conference set for 8 a.m., February 6, 1995 is vacated.

ORDER GRANTING MOTION TO
VACATE SETTLEMENT CONFERENCE
1/27/95

It is a serious matter to dismiss a subcase with prejudice, and the objector, San Felipe Ranch, has not responded to the *Motion's* request to dismiss the subcase. Therefore, the court shall decline to dismiss the subcase at this time.

The parties shall file their responses to the *Motion* addressing the request to dismiss this subcase with prejudice on or before February 14, 1995. If oral argument is requested, the parties shall comply with the requirements of *SRBA Administrative Order No. 8* for setting a hearing date for this matter.

IT IS SO ORDERED.

DATED January 27, 1995.


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

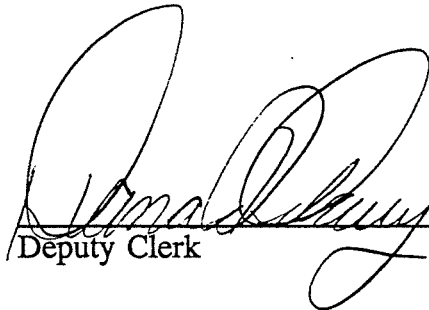
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO VACATE SETTLEMENT CONFERENCE** was mail January 27, 1995, with sufficient first-class postage prepaid to the following:

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