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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.: 34-00865A, 34-00184B,
) 34-00427, 34-00784, 34-00591,
) 34-00767, 34-10496, 34-00592,
) 34-00426, 34-00865B
)
) ORDER DENYING MOTION TO
) VACATE SUBCASE
) PROCEEDINGS

On January 18, 1995, the United States Department of Justice filed a *Motion to Vacate Subcase Proceedings* in the above referenced subcases. The *Motion* seeks to vacate proceedings in these ten subcases on the grounds that the United States is trying to obtain signatures for stipulations to the withdrawal of the United States as a party to the subcases and dismissal with prejudice of its objections. It is unclear from the *Motion* exactly what action the United States requests that the court take with respect to these subcases. To the extent that the United States seeks a stay for subcase nos. 34-00184B, 34-00784, 34-10496, 34-00426, 34-00865A, 34-00427, 34-00591, 34-00767, 34-00592, and 34-00865B, the *Motion* is **denied** as moot.

On December 22, 1994, the Presiding Judge in the SRBA issued *Order Granting, in Part, and Denying, in Part, Motion for Stay in the SRBA* which stayed action on all subcases implicating claims filed or recommendations relying on I.C. §§ 42-1416 and 42-1416A. These ten subcases all appear on the list submitted by IDWR identifying such cases. Thus, proceedings in these subcases are already stayed. To the extent the *Motion* requests a stay for these subcases, the *Motion* is **denied** as moot.

It is unclear from the *Motion* whether the United States is seeking to vacate specific hearings with regard to subcase nos. 34-00184B, 34-00784, 34-10496, 34-00426, 34-00865A, 34-00427, 34-00591, 34-00767, 34-00592, and 34-00865B. The *Motion* failed to refer to any

hearings. Since these subcases are currently stayed pursuant to the December 22, 1995 Order, no hearings are scheduled for these subcases. Therefore, to the extent the *Motion* seeks to vacate hearings in these subcases, it is **denied** as moot.

IT IS ORDERED that the *Motion* to stay these subcases is **denied**.

IT IS FURTHER ORDERED that the *Motion* to vacate hearings for these subcase is **denied**.

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 DENYING MOTION TO VACATE SUBCASE PROCEEDINGS** was mailed on January 27, 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

Robert & Peggy Shawver
143 South 1200 West
Blackfoot, ID 83221

Randy & Trilby McAfee
Route 1, Box 69A
Darlington, ID 83231

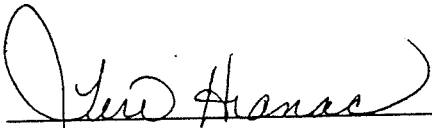
R. Bruce Soelberg
1461 Woodruff Ave.
Idaho Falls, ID 83401

John D. & Merle M. King
HC 60, Box 280
Darlington, ID 83231

Milton & Evelyn Reese
Route 1, Box 1372
Paul, ID 83347

Lillian Bell
Route 1
Darlington, ID 83231

Jimmie & Elsie Waddoups
HC Box 230
Darlington, ID 83231


Deputy Clerk

