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1995 FEB -7 PM 2:52
DISTRICT COURT-SRBA
TWINFALLS 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.: 34-00081
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)

ORDER DISMISSING UNITED
STATES' OBJECTION and
DISMISSING UNITED STATES AS
PARTY TO SUBCASE; and
REQUIRING STANDARD FORM 5

According to the Director's Report, Water Right Number 34-00081 was claimed by Terry and Earl Bruce McAfee. The only objection to this water right was filed February 26, 1993 by the United States Bureau of Land Management on the basis that a private individual had claimed a water right for use on public land. The State of Idaho Department of Water Resources filed a response on June 18, 1993. Additionally, Terry and Earl Bruce McAfee filed a response on June 28, 1993. On June 22, 1993 the United States filed its *United States' Notice of Withdrawal of Objection (Notice)* stating, "The United States has no objection to the specific elements of this water right being decreed as recommended in the Director's Report for this Reporting Area."

The court will treat the *Notice* as a request by the United States to withdraw as a party to this subcase, and dismiss its objection with prejudice. No party to this subcase has filed an objection or other pleading responding to the *Notice*.

Therefore, based on the file and record herein, and good cause appearing, IT IS ORDERED that the United States is **dismissed as a party** to this subcase. IT IS FURTHER ORDERED that the objection filed by the United States is **dismissed with prejudice**.

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IT IS ORDERED that the remaining parties to this subcase shall submit a *Standard Form 5, Proposed Elements of a Water Right* no later than **March 10, 1995**.

IT IS SO ORDERED.

DATED February 7, 1995.


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

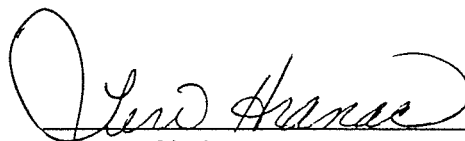
CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER DISMISSING UNITED STATES' OBJECTION and DISMISSING UNITED STATES AS PARTY TO SUBCASE; and REQUIRING STANDARD FORM 5** was mailed on February 7, 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

Terry McAfee
Earl Bruce McAfee
Route 5, Box 50
Rupert, ID 83350


Deputy Clerk