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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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Department of Water Resources
Adjudication Bureau

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.: 36-04075

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

According to the Director's Report, Water Right Number 36-04075 was claimed by the City of Rupert. The only objection to this water right was filed April 30, 1993, by the United States Department of Justice, Environment and Natural Resources Division. The City of Pocatello through its attorney, Josephine P. Beeman, filed a response on September 1, 1993. The State of Idaho Department of Water Resources filed a response on September 10, 1993. On March 24, 1994, following a Scheduling Conference, the United States filed a *Stipulation to Withdraw Objections in Subcases 36-04080, 36-04075 (Stipulation)* signed by all the parties stating, "[t]hat all objections in the pending subcases are withdrawn by the United States and dismissed with prejudice."

The court will deem the *Stipulation* as a request by the parties to allow the United States to withdraw as a party to this subcase and to dismiss its objection with prejudice.

Therefore, based on the file and record herein, and good cause appearing, IT IS ORDERED: 1) that the United States is **dismissed as a party** to this subcase; 2) that the

objection filed by the United States is **dismissed with prejudice**; and 3) that the remaining parties to this subcase shall submit a *Standard Form 5, Proposed Elements of a Water Right* no later than **April 7, 1995**.

DATED March 7, 1995.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

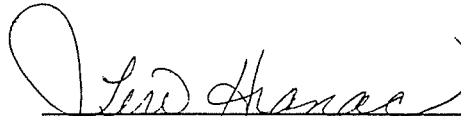
CERTIFICATE OF MAILING

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

Josephine Beeman
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829



Deputy Clerk