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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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	)	Subcase: 36-02465
	)	
Case No. 39576	)	ORDER DISMISSING OBJECTIONS
	)	AND RESPONSES
	)	

On June 8, 1988, the City of Hagerman filed this license-based claim to 4 cfs from Potter Springs for year 'round municipal uses within the City of Hagerman distribution system with a priority date of January 18, 1961. The Director of IDWR recommended the claim as filed and noted that the claim included accomplished changes in the point of diversion and place of use (I.C. § 42-1416A).

The United States of America filed an *Objection* on April 30, 1993, to which the Conservation Groups, the City of Pocatello and IDWR filed *Responses*. The Conservation Groups also lodged a *Motion to Intervene*.

On March 13, 1995, the United States, the City of Hagerman, the City of Pocatello and IDWR filed a *Stipulation to Withdraw Objections in Subcase 36-02465*. Soon thereafter, on March 27, 1995, the same entities filed an SF-5 stating that "IDWR and the parties stipulate that water right no. 36-02465 is correctly described in the director's report." The Conservation Groups signed neither document, but when their counsel was contacted by the Court, he had no objection to their *Response* and *Motion* being dismissed in light of the United States' withdrawal of its *Motion*. The Court will consider the *Stipulation* as a motion to dismiss the United States' *Objection* and to allow the United States to withdraw as a party.

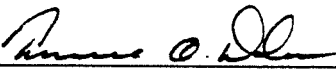
Therefore, IT IS ORDERED that the United States' *Objection* is **dismissed**, with prejudice, and the United States is permitted to withdraw as a party.

The only *Objection* having been dismissed, IT IS FURTHER ORDERED that *Responses* filed by the Conservation Groups, the City of Pocatello and IDWR are **dismissed** as moot.

Finally, the Conservation Groups' *Motion to Intervene* is likewise dismissed as moot.

Adjudication of the claim remains stayed pending resolution of claims identified as implicating I.C. § 42-1416A. See SRBA *Order Granting, in Part, and Denying, in Part, Motion for Stay in the SRBA*, dated December 22, 1994, and appeals before the Idaho Supreme Court, Nos. 22354 and 22355.

DATED August 14, 1996.



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 OBJECTIONS AND RESPONSES was mailed on August 14, 1996, with sufficient first-class postage to the following:

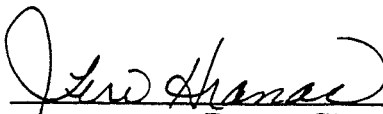
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