

**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	)	Consolidated Subcase No. 63-25243
	)	(Organic Act -- Channel Maintenance
Case No. 39576	)	Claims)
	)	
_____	)	

**COURT'S NOTICE OF INTENT TO ISSUE ORDER AS PROPOSED**

**I.  
BRIEF PROCEDURAL BACKGROUND**

1. On July 31, 2000, counsel for the United States and the State of Idaho informed the Court that the parties to the above-entitled consolidated subcase had reached an agreement that would include as a term and condition the dismissal of all of the claims involved in the consolidated subcase.
2. On August 15, 2000, a hearing was held on the matter wherein counsel for the United States and the State of Idaho put on the record that the parties had reached an agreement and that as a result the United States would be dismissing with prejudice its instream flow claims for channel maintenance. The details of the agreement were not filed with, or disclosed to, the Court.
3. At the same hearing, the Court also explained, and had the parties acknowledge, that the effect of a dismissal of the claims with prejudice would forever preclude the United States from refileing in the SRBA federal reserved instream flow water right claims for purposes of channel maintenance based on the Organic Act.

4. On August 21, 2000, as represented to the Court, the parties filed a *Stipulation of Dismissal* in the consolidated subcase.

**II.**  
**NOTICE OF INTENT TO ISSUE ORDER**

THEREFORE; based on the stipulation of the parties, the comments of the parties and the Court in open court at the August 15, 2000, hearing, the Court intends to issue the proposed order of dismissal attached hereto as [EXHIBIT A](#).

IT IS HEREBY ORDERED that the proposed order shall be served on all parties to the consolidated subcase, as well as appear in the September 2000 Docket Sheet.

Parties shall have until 5:00 p.m. on September 15, 2000, to review the proposed order as to both content and form and submit objections, if any, to the Court. Any objection to the proposed order will be set for hearing. In the absence of any objections, the order will be forthwith summarily entered as proposed.

IT IS SO ORDERED.

DATED: September 1, 2000.

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BARRY WOOD  
Administrative District Judge and  
Presiding Judge of the  
Snake River Basin Adjudication