

2002 APR -9 PM 2: 54

DISTRICT COURT-SRBA  
TWIN FALLS 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     | ) | Subcases 65-1219, 65-1220, 65-1257, and |
|                | ) | 65-4217                                 |
| Case No. 39576 | ) |                                         |
|                | ) |                                         |
|                | ) | <b>ORDER DENYING MOTION TO SET-</b>     |
|                | ) | <b>ASIDE PARTIAL DECREES</b>            |
|                | ) |                                         |
| _____          | ) |                                         |

On February 21, 2002 a *Special Master's Report, Finding of Fact and Conclusions of Law* ("*Special Master's Report*") was filed for the above-captioned water rights. The *Special Master's Report* recommended that the motion to set-aside partial decrees and file late objections, filed by Delmar L. Phillips, be denied. No Challenges were filed to the *Special Master's Report* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the *Findings of Fact and Conclusions of Law* contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the motion to set-aside partial decrees and file late objections is **denied**.

**RULE 54(b) CERTIFICATE**

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that

there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED 4-9-02.

A handwritten signature in black ink, appearing to read "R. Burdick", is written over a horizontal line.

ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO SET-ASIDE PARTIAL DECREES was mailed on 4/9/02 with sufficient first-class postage to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720-0098

Delmar L Phillips  
427 Lower Bluff Rd  
Emmett, ID 83617

Edwin Goslin Trust  
Ida M Goslin Trustee  
Margie E Scofield Trustee  
944 Lower Bluff Rd  
Emmett, ID 83617

  
Deputy Clerk