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Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 JUL 14 AM 11 26

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	)	Water Right Claim 63-21814
	)	
Case No. 39576	)	ORDER OF REFERENCE TO SPECIAL
	)	MASTER THOMAS CUSHMAN
	)	
	)	

On July 11, 2003, this Court received correspondence regarding the above-captioned water right claim(s). A copy of the correspondence is attached to this **Order**. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file(s). Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a partial decree was previously entered for the water right claim(s), the partial decree was also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Thomas Cushman is appointed Special Master to preside over the above-captioned water right claim(s) for the following purposes:
 - a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;
 - b. To determine whether the correspondence complies with **SRBA Administrative Order 1 (AOI)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to

determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED July 14, 2003.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

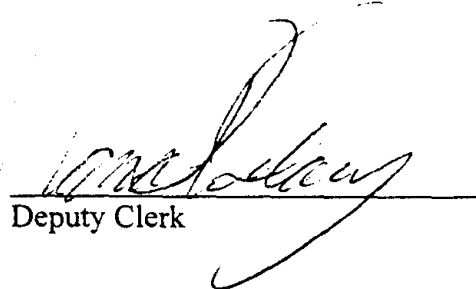
I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER THOMAS CUSHMAN was mailed on July 14, 2003 with sufficient first-class postage to the following:

Matthew K Wilde
Assistant City Attonrey
City of Boise
PO Box 500
Boise, ID 83701-0500

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk