

2004 JUL -1 AM 11:44
FILED
CLERK OF DISTRICT COURT, 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

Case No. 39576

)
)
)
)
)
)

ORDER SETTING HEARING

FOR WATER RIGHT: 65-2515B

A *Special Master's Report and Recommendation* was issued on May 6, 2004 in the above subcase. An *Amended Special Master's Report* was issued on June 16, 2004 to clarify the proceedings in the subcase. The *Amended Special Master's Report* did not change the time period for filing *Motions to Alter or Amend*.

On June 25, 2004 the Claimant timely filed a *Motion to Alter or Amend*. The purpose of the *Motion* was to ask the Court to correct the *Recommendation* so that Boulder Creek would be designated as tributary to the North Fork of the Payette River, rather than tributary to Cascade Reservoir, as is currently recommended. Grounds for the *Motion* are that Water Right 65-2515A states that Boulder Creek is tributary to the North Fork of the Payette River. Water Right 65-2515A was *Partially Decreed* on June 2, 2004, was formerly joined with this right, has the same Point of Diversion and one of the same Places of Use and was issued to the same Claimant.

Because of Special Master Cushman's June 30, 2004 retirement, the SRBA Court has rescinded the *Order of Reference* in the above subcase. The Court finds that it is appropriate that Presiding Judge John M. Melanson proceed in the above subcase in the manner set forth in *Administrative Order 1* for Special Masters. Therefore, in the above captioned subcase, the Court finds it appropriate that a hearing be set before Judge Melanson to determine the merits of the *Motion to Alter or Amend*.

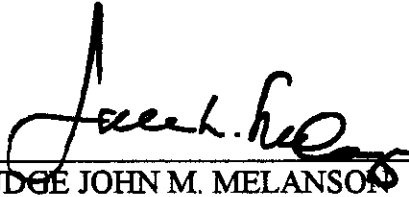
Therefore, IT IS ORDERED, that a hearing be set for the above subcase at 1:30 p.m. on July

20, 2004 at the Snake River Basin Adjudication Courthouse, 253 3rd Ave N., Twin Falls, Idaho.

Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

The purpose of the hearing will be to determine whether it is appropriate to change the "tributary to" language for subcase 65-2515B.

DATED: July 1, 2004

A handwritten signature in black ink, appearing to read "John M. Melanson", is written over a horizontal line.

JUDGE JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication