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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	)	ORDER RESCINDING ORDER OF
	)	REFERENCE
Case No. 39576	)	and
	)	ORDER SETTING STATUS
	)	CONFERENCE
	)	
	)	FOR WATER RIGHT: 65-20553
_____	)	

I.

Procedural Background.

The above-captioned water right was claimed as state-based beneficial use water right by the United States, Department of Interior, Bureau of Land Management pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for this water right.

Objections were filed to the *Report* by the State of Idaho, stating that the right should not exist, and the United States, based on Point of Diversion and Place of Use. On June 11, 1999, a *Stipulation to Resolve Objections* was filed under Consolidated Subcase 23-10859, 24-10221, 25-13659, 27-11604, 65-19685 listing conditions to resolve priority date objections. An *Order of Reference* appointing Thomas R. Cushman as Special Master was filed on September 13, 1999. On December 11, 2003, a trial was held before Special Master Cushman. In conjunction with that trial, the *Affidavit of Robert R. Mallis* was filed on February 12, 2004. The *Affidavit* stated that the above-captioned subcase was based only on State law and should have a June 28, 1934 priority date based on the *Stipulation to Resolve Objections*. A status conference was held on February 24, 2004, before Special Master Cushman.

II.

Order of Reference.

Special Master Thomas R. Cushman retired on June 30, 2004. Therefore, the Court finds it appropriate to rescind the *Order of Reference* to Thomas R. Cushman in the above subcase. The Court, with Judge John M. Melanson presiding, will proceed in the above subcases in the same fashion as specified in *Administrative Order 1* for proceedings by Special Masters. If the Court finds it necessary, the above subcase may be referred to another Special Master at a later date.

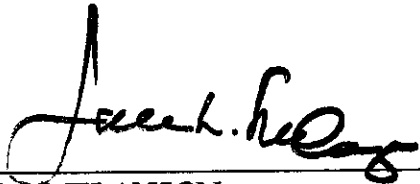
III.

Status Conference.

It is unclear whether the State of Idaho's objection to the existence of the right has been resolved, or whether the United States' objection to Point of Diversion and Place of Use has been resolved.

Therefore, IT IS ORDERED, that the *Order of Reference* to Special Master Cushman be rescinded and a Status Conference be set for 1:30 p.m. on August 17, 2004 at the Washington County Courthouse, 256 E. Court, Weiser, Idaho. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted. The purpose of the Status Conference will be to determine whether the two objections are outstanding, and whether a trial schedule should be set.

DATED: July 8, 2004



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

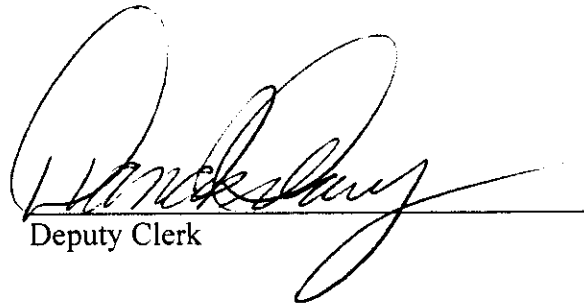
CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the *Order Rescinding Order of Reference* and *Order Setting Status Conference* were mailed on July 8, 2004, by first-class mail to the following:

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

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
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Deputy Clerk