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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *M*

**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: 65-20558
	)	

I.

Procedural Background.

The above subcase was filed as a state-based beneficial use claim 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 these water rights.

Objections were filed to the *Report* by the State of Idaho, based on priority date, and 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 the priority date objection. 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 appears from the proceedings below, the *Stipulation* and the *Affidavit* that the State of Idaho's objection to the priority date has been resolved. However, it is unclear from the record whether the United States' objection to Point of Diversion and Place of Use has been resolved.

Therefore, IT IS ORDERED, that 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 United States' objection is still outstanding.

DATED: July 7, 2004



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING ORDER OF REFERENCE AND ORDER SETTING STATUS CONFERENCE was mailed on July 07, 2004, with sufficient first-class postage to the following:

STATE OF IDAHO

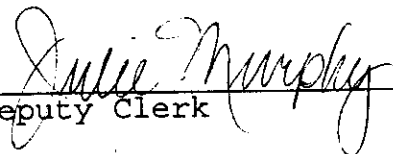
Represented by:
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STATE OF IDAHO
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DIRECTOR OF IDWR

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A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.