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DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
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: 78-04279
	)	

I.

Procedural Background.

Subcase 78-04279 was claimed as a state-based beneficial-use water right by the United States, Department of Interior, Bureau of Land Management. The state-based claim was recommended disallowed by the Idaho Department of Water Resources.

Objections were filed by the United States, stating the right should be recommended, and Responses were filed by Scott Bedke, Karl Bedke, Bruce Bedke, Joe Tugaw, Jared Bedke, Gary Poulton, Michael Poulton, Pickett Ranch and Sheep Co., Jerry Hoagland, Joyce Livestock, Western Stock Growers and Betty and Willis D. Devany, all represented by Norman Semanko. On April 23, 2004, a status conference was held before Special Master Thomas R. Cushman. At the status conference, Semanko stated that, pursuant to stipulation, the responses of his clients were withdrawn in some cases, although it is unclear from the record whether that withdrawal was made in the above subcase.

Standard Form 5/Stipulated Elements of a Water Right forms signed by the United States with IDWR concurrence as to the state-based water right were filed on June 30, 2004.

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.

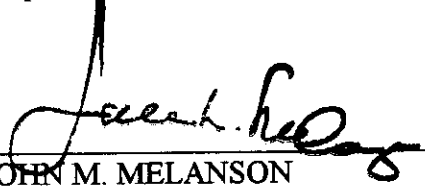
III.

Status Conference.

Although the subcase summary states that Semanko's clients' Responses have been withdrawn, it is unclear from the record whether that is, in fact, the case. The Court finds that a status conference is necessary to determine whether the responses have been withdrawn before a *Master's Report and Recommendation* can be issued pursuant to the SF5.

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 Responses are still outstanding.

DATED: July 8, 2004


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

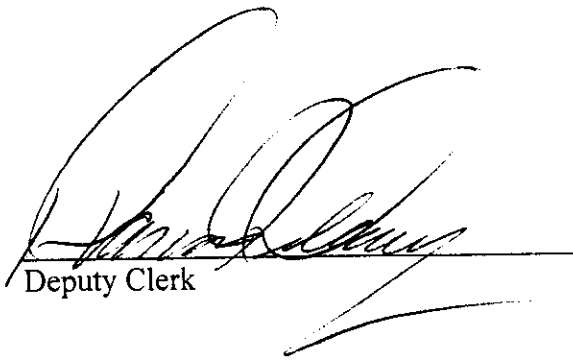
I hereby certify that true and correct copies of the *Order Rescinding Order of Reference* and *Order Setting Status Conference* were mailed on July 8, 2004, by first-class mail to the following:

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

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