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DEPARTMENT OF
WATER RESOURCES

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FILED
TWIN FALLS CO., 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	)	Water Right 32-11147
	)	
Case No. 39576	)	ORDER DENYING MOTION FOR RELIEF
	)	FROM JUDGMENT WITH PREJUDICE
	)	

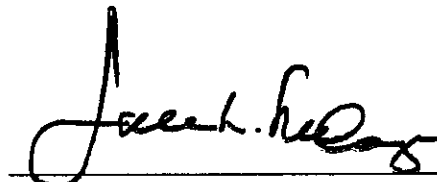
On September 14, 2001, Special Master Bilyeu issued a *Special Master's Report and Recommendation; Findings of Fact and Conclusions of Law Regarding Motion for Relief From Judgment*, based on the voluntary dismissal of the claimant/movant.¹ No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Motion for Relief From Judgment* be denied with prejudice. The *Partial Decree Pursuant to I.R.C.P. 54(b)* entered on November 14, 2000, will remain in effect.

IT IS SO ORDERED.

DATED July 30, 2004



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

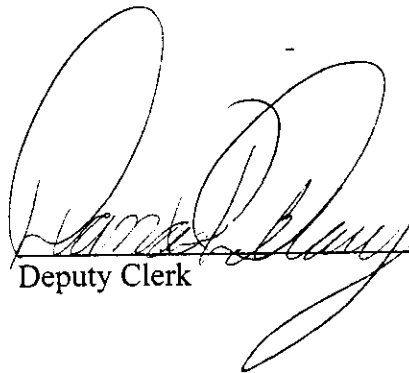
¹ The motion was based on the allegation that the source of the decreed right was for "private water" (spring) as defined by Idaho law.

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT WITH PREJUDICE** were mailed on July 30, 2004, by first-class mail to the following:

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