

2004 OCT -1 PM 2:18
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) Subcase No.: 61-10390 & 61-10391
Case No. 39576) ORDER OF REFERENCE TO SPECIAL
MASTER THEODORE R. BOOTH

On October 1, 2004, this Court received correspondence regarding the above-captioned water right claims. A copy of the correspondence is attached to this **Order**. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file. Where the water right claims were previously uncontested, a subcase file was created for the correspondence. Where **Partial Decrees** were previously entered for the water right claims, the **Partial Decrees** were also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Theodore R. Booth is appointed Special Master to preside over the above-captioned water right claims for the following purposes:
 - a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a **Partial Decree(s)** pursuant to I.R.C.P. 60(b), etc.;
 - b. To determine whether the correspondence complies with **SRBA Administrative Order 1 (AOI)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to

determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

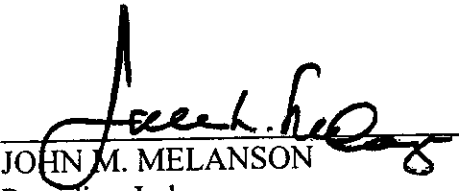
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a *Partial Decree(s)* should be set aside or amended, the recommendation should not only include that the *Partial Decree(s)* be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED October 1, 2004.



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER THEODORE R. BOOTH was mailed on October 01, 2004, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

HERMAN BISCHOFF
HERMAN J BISCHOFF
LUCILLE E BISCHOFF
RT 1 BOX 878
MOUNTAIN HOME, ID 83647
Phone: 208-587-3722

JOE C. JR. & DIANE MORRIS
RT 1 BOX 878 DANIEELS ROAD
MOUNTAIN HOME, ID 83647

51
ODGED

Judge Melanson
Adjudication Court
Twin Falls, ID 83303

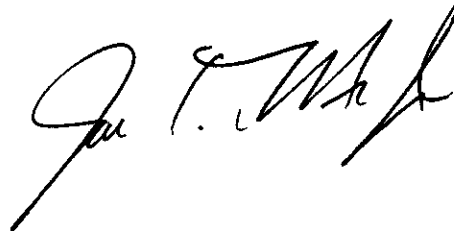
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CLERK OF DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

Dear Sir,

I purchased my home and the water rights a few years ago and have been waiting to get the water rights approved. According to the Idaho Dept. Of Water Resources, (Kari Lynn Townsend, Secretary) you have made a decision regarding our water rights. However, according to MS. Townsend my property was described wrong in the first place so any approval of the Water Right would not affect my property as the confirmation would have been flawed in the first place. So I am asking you to please do a "Partial Decree to set aside" that decision and approve my property discribed property. A copy of my property plat is enclosed, the correct land description is: Lots # 2 & 3, of the SW1/4 of NE1/4, and the SE1/4 of NW 1/4, Sec. 1, Township 4 South, Range 6 East, Boise Meridian, Idaho. I thank you in advance for your consideration and cooperation.

Joe C. Jr. and Diane Morris
Rt 1 Box 878 Daniels Road
Mountain Home, Idaho 83647
(208) 587-2019 Home Phone
(208) 828-2237 Work Phone



61-10390
61-10391

SCANNED
OCT 05 2004

while this is a photographic reproduction of the
recorded plat, the Company assumes no liability
for variations, if any, with a re-survey.

PLAT OF THE

subdivision of Blocks Nos 10 and 11 in Fruitdale Elmore County,
Idaho, being U.S. Lots Nos 2 and 3, the S.W. 1/4 of N.E. 1/4, and the S.E. 1/4 of N.W. 1/4
Section 1, Township 4 South, Range 6 East, Boise Meridian, Idaho.
Scale 200 feet to the inch.

SECOND		STREET	
657.99	657.99	657.99	657.99
30 2.513 Acs.	1 2.578 Acs.	30 2.501 Acs.	1 2.507 Acs.
29 2.50 Acs.	2 2.50 Acs.	29 2.50 Acs.	2 2.50 Acs.
28 2.50 Acs.	3 2.50 Acs.	28 2.50 Acs.	3 2.50 Acs.
27 2.50 Acs.	4 2.50 Acs.	27 2.50 Acs.	4 2.50 Acs.
26 2.50 Acs.	5 2.50 Acs.	26 2.50 Acs.	5 2.50 Acs.
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24 2.50 Acs.	7 2.50 Acs.	24 2.50 Acs.	7 2.50 Acs.
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17 2.50 Acs.	14 2.50 Acs.	17 2.50 Acs.	14 2.50 Acs.
16 2.513 Acs.	15 2.578 Acs.	16 2.501 Acs.	15 2.507 Acs.
657.99	657.99	657.99	657.99

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