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DEPARTMENT OF
WATER RESOURCES
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DISTRICT COURT - SRBA
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

) Subcase: 51-7171

Case No. 39576

)
) ORDER DISMISSING MOTION TO SET
) ASIDE PARTIAL DECREE
)

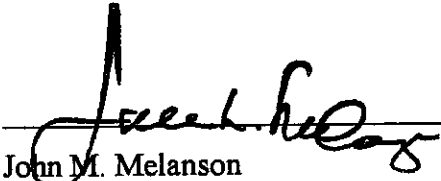
A *Partial Decree* in the above-captioned subcase was filed on January 30, 1998. On August 9, 1999, Brackett Ranches Ltd., (hereinafter "Brackett"), filed an *Ex Parte Application to File Late Objection*, seeking to file a late objection to the above-captioned water right and numerous other water rights.

A *Special Master's Report* was issued on October 13, 2004, treating the *Application* as a *Motion to Set Aside* and recommending that the *Motion* be denied with prejudice and that the *Partial Decree* entered remain as issued. No *Challenges* were filed to the *Special Master's Report*, and the time for filing *Challenges* has expired.

This Court has reviewed the *Special Master's Report* and wholly adopts it as its own.

THEREFORE, based on the foregoing, the *Motion* filed in the above-captioned subcase is hereby **dismissed with prejudice**. The *Partial Decree* entered on January 30, 1998, shall remain as issued.

Dated November 29, 2004


John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING MOTION TO SET ASIDE PARTIAL DECREE was mailed on November 29, 2004, with sufficient first-class postage to the following:

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