

2005 FEB 25 AM 11: 28

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: 86-10677

)
Case No. 39576

) ORDER RESCINDING ORDER OF
) REFERENCE APPOINTING THEODORE R.
) BOOTH SPECIAL MASTER

On February 24, 2005, this Court issued an *Order of Reference Appointing Theodore R. Booth Special Master* in subcase 86-10677.¹ That Order is **hereby rescinded**.

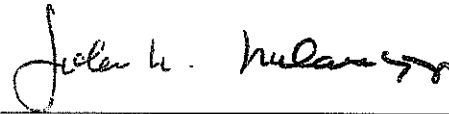
According to documents previously filed with the Court, water right claim 86-10677 may be interrelated to claims made by the Nez Perce Tribe for federal reserve water rights.² This Court has previously ordered that all Nez Perce Tribe federal reserve water right claims, and "any water rights which are in any way interrelated" thereto, are referred to Special Master Dolan. *Order of Reference Appointing Terrence A. Dolan Special Master for the Nez Perce Tribe Federal Reserve Water Rights in Reporting Areas 19, 22, and 24, Basins 67, 69, 77, 78, 79, 81, 82, 83, 84, 85, and 86*, filed February 2, 2000. Accordingly, it appears that Subcase 86-10677 has already been referred to Special Master Dolan, and that the order of reference to Special Master Booth was made in error. Therefore, it is **ordered** that Special Master Dolan shall hold a status conference for the purpose of determining whether a partial decree can be issued for water right 86-10677.

¹ The clerk's certificate of mailing for that *Order* indicates that it was only sent to the claimant of 86-10677, and IDWR.

² See *Motion to Intervene Under the Provisions of Administrative Rule 1, §10K*, filed by John W. Brewer on November 16, 2001, and docketed in Consolidated Subcase 67-13701.

IT IS SO ORDERED.

DATED February 25, 2005.

A handwritten signature in black ink, appearing to read "John M. Melanson", written over a horizontal line.

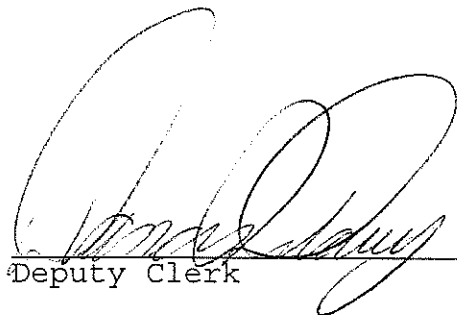
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING ORDER OF REFERENCE APPOINTING THEODORE R BOOTH SPECIAL MASTER was mailed on February 25, 2005, with sufficient first-class postage to the following:

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

JAMES BREWER
JOHN W BREWER
2809 ALBRIGHT GRADE
LEWISTON, ID 83501

A handwritten signature in black ink, appearing to read "Wendy", is written over a horizontal line.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING ORDER OF REFERENCE APPOINTING THEODORE R BOOTH SPECIAL MASTER was mailed on February 25, 2005, with sufficient first-class postage to the following:

ALBERT P. BARKER
JOHN K. SIMPSON
BARKER ROSHOLT & SIMPSON LLP
205 N 10TH ST, STE 520
PO BOX 2139
BOISE, ID 83701-2139

TRAVIS L THOMPSON
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE WEST, SUITE 303
TWIN FALLS, ID 83301-6167

JOSEPHINE P. BEEMAN
BEEMAN & ASSOCIATES, P.C.
409 WEST JEFFERSON STREET
BOISE, ID 83702

WILLIS D & BETTY G DEVENY
BOX 1160
RIGGINS, ID 83549

JAMES W GIVENS
BOX 875
LEWISTON, ID 83501

UNITED STATES DEPT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DEBORAH E. NELSON
GIVENS PURSLEY LLP
277 N SIXTH STREET, STE 200
PO BOX 2720
BOISE, ID 83701-2720

JAMES C. TUCKER
IDAHO POWER CO
PO BOX 70
BOISE, ID 83707

TERRY T. UHLING
JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

ROGER D LING
LING, ROBINSON & WALKER
PO BOX 396
RUPERT, ID 83350

MICHAEL MIRANDE
MILLER BATEMAN LLP
1426 ALASKAN WAY, STE 301
SEATTLE, WA 98101

SCOTT L. CAMPBELL
MOFFATT, THOMAS, BARRETT, ROCK
& FIELDS
101 S CAPITOL BLVD, 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829

STEVEN C. MOORE
NATIVE AMERICAN RIGHTS FUND
1506 BROADWAY
BOULDER, CO 80302

JOHN R. KORMANIK
NATURAL RESOURCES
STATE OF IDAHO AG'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

K. HEIDI GUDGELL
NEZ PERCE TRIBAL EXEC. COMM.
PO BOX 305
LAPWAI, ID 83540

DAVID HENSLEY
OFFICE OF THE GOVERNOR
PO BOX 83720
BOISE, ID 83720-0034

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

STEVEN W. STRACK
STATEHOUSE
STATEHOUSE MAIL/RM 210
BOISE, ID 83720

ORDER RESCINDING

(Certificate of mailing continued)

NEZ PERCE TRIBE
USA, TRUSTEE
911 N.E. 11TH AVENUE
PORTLAND, OR 97232

JOHN MARK NUTTMAN
411 E CONQUIST RD
ALLYN, WA 98524