

2005 MAR 17 PM 1:30

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO

In Re SRBA	)	SUBCASE: 61-11786
	)	
Case No. 39576	)	ORDER OF REFERENCE APPOINTING
	)	THEODORE R. BOOTH SPECIAL MASTER

Water right claim 61-11786 was filed by the United States, together with six other claims pertaining to the Mountain Home Air Force Base. All said claims were filed as dual-based claims, meaning the claims were filed under the alternative legal theories of federal reserved water right claims and claims based on state law. Claim 61-11786 was filed for the "Mountain Home Air Force Base Recreation Annex" located at C.J. Strike Reservoir. Early in the proceedings, the United States withdrew pursuing the federal reserved basis for this claim, electing instead to proceed on the state basis. The remaining claims, following an appeal, were eventually dismissed and refiled as state-based claims, which were partially decreed. No further action was taken in 61-11786. A status conference was held March 15, 2005, for the purpose of determining how to proceed with this claim.

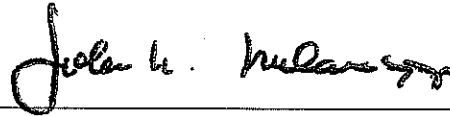
THEREFORE, IT IS ORDERED that Theodore R. Booth is appointed as special master for subcase 61-11786 and shall proceed under *SRBA Administrative Order 1*.

The special master shall preside over subcases and issue reports as set forth in *SRBA Administrative Order 1* and shall have the authority to: fix the time and conditions for the filing of supplemental pleadings and amendments to pleadings; schedule and hear dispositive and nondispositive motions of any party; schedule and conduct all pretrial matters, including pretrial, status and scheduling conferences; issue pretrial orders; schedule and limit the scope of discovery; order the discovery of facts known and opinions held by experts; issue protective orders; issue orders compelling discovery; sanction failure to comply with pretrial, trial-related or post-trial orders; summon witnesses and issue subpoenas; take such evidence as may be introduced or deemed necessary by her; rule on the admissibility of evidence; call witnesses on behalf of the court; and appoint expert witnesses for the court.

Special Master Booth shall set proceedings in conformity with *SRBA Administrative Order 1*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this Order.

IT IS SO ORDERED.

DATED March 17, 2005.

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JOHN M. MELANSON

Presiding Judge

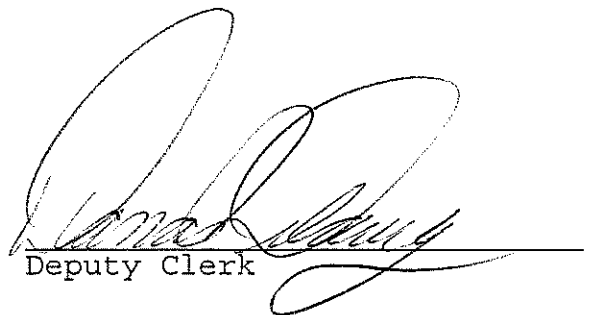
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING THEODORE R. BOOTH SPECIAL MASTER was mailed on March 17, 2005, with sufficient first-class postage to the following:

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

UNITED STATES OF AMERICA
US AIR FORCE C/O COMMANDER
US ARMY CORPS OF ENGINEERS
ATTN: CENPS-RE PO BOX 3755
SEATTLE, WA 98124-2255
Phone: 206-764-3666

A handwritten signature in black ink, appearing to read "David L. King", is written over a horizontal line. The signature is fluid and cursive.