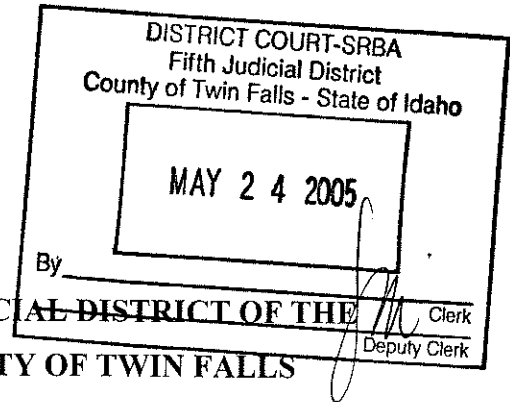


RECEIVED
MAY 26 2005
Department of Water Resources



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.: 65-18566
Case No. 39576) ORDER OF REFERENCE TO SPECIAL
MASTER THEODORE R. BOOTH

On May 24, 2005, this Court received correspondence from Colleen M. Cox, regarding the above-captioned water right claim. 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 claim was previously uncontested, a subcase file was created for the correspondence. Where a **Partial Decree** was previously entered for the water right claim, the **Partial Decree** was 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 claim 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 May 24, 2005.


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 May 24, 2005, with sufficient first-class postage to the following:

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

PHILIP D SZMANIA
2727 HWY 52
EMMETT, ID 83617
Phone: 208-365-2237

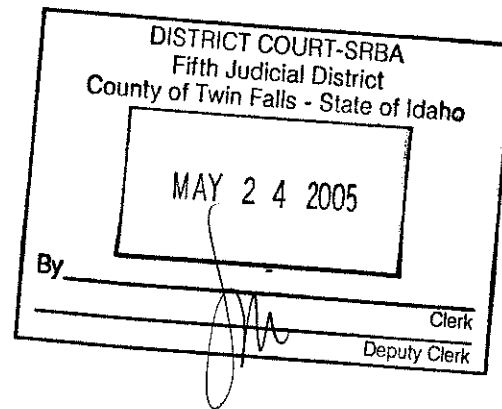
Colleen M. Cox
2727 W. Hwy 52
Emmett, ID 83617

Julie Murphy

LODGED

May 23, 2005

Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



RE: # 65-18566

Colleen M. Cox
2727 W. Hwy 52
Emmett, ID 83617

To Whom It May Concern:

In reference to the above mentioned case file number, I am requesting that this be looked at more thoroughly. I believe that this was partially decreed in the wrong $\frac{1}{4}$, $\frac{1}{4}$ section. I have submitted a copy of the well log report, which was done on my property on June 3, 1972. I have also enclosed a copy of the most recent Quitclaim Deed on my property showing that both of the documents show the correct quarter sections.

Currently, the well shows that it is registered to a Philip D. Szmania and was done on October 19, 1977. I believe that there was a typographical error made on this document in regards to the quarter sections.

I would like to transfer the name(s) to my Dad and I, in regards to this domestic well.

Thank you in advance for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Colleen M. Cox'.

Colleen M. Cox

Enclosures

Cc: Idaho Dept. of Water Resources
ATTN: Danni Smith
P.O. Box 83720
Boise, ID 83720-0098

QUITCLAIM DEED

ORDER NO.: 405034348

FOR VALUE RECEIVED, Gary E. Cox, a married man as his sole and separate property

do(es) hereby convey, release, remise and forever quitclaim unto

Gary E. Cox, a married man as his sole and separate property and Colleen M. Cox, an unmarried woman

whose current address is: 2727 W. Highway 52, Emmett, ID 83617

the following described premises:

A tract of land in the SW ¼ of the NE ¼ of Section 15, Township 6 North, Range 2 West, B.M., Gem County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of the SW ¼ of the NE ¼ of Section 15, T. 6 N., R. 2 W., B.M., Gem County, Idaho; thence
West on the quarter quarter line 209 feet; thence
South parallel to the East line 418 feet; thence
East parallel to the North line, 209 feet; thence
North parallel to the East line 418 feet to the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

August 7, 2003



State of Idaho

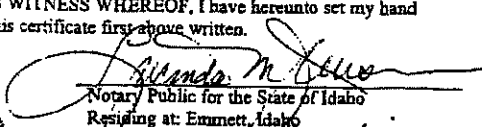
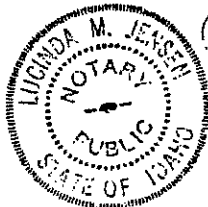
}

County of Gem

}

On this 7th day of August 2003, before me, a Notary Public in and for said state, personally appeared Gary E. Cox

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho
Residing at: Emmett, Idaho
Commission Expires: 12/25/2008

Instrument # 231565

EMMETT, GEM, IDAHO

2003-08-10

04:00:00 No. of Pages: 1

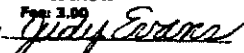
Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: CRIT CLAIM DEED



WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

2727 W. Hwy 52
Emmett, ID