

JUN - 8 2005

Clerk

Deputy Clerk

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

Case No. 39576

ORDER DISMISSING MOTION TO
SET ASIDE PARTIAL DECREE

For Water Right: 67-11694

On December 29, 2000, a *Partial Decree* was issued for the above-captioned water right. On January 30, 2001, this court received correspondence from the claimant, Albert Alvarez regarding the above-captioned water right. The matter was referred to the Special Master for further proceedings. On July 9, 2001, the Special Master issued a *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree* recommending the *Partial Decree* for the above-captioned rights not be set aside or amended, and that the *Motion* filed by Alvarez be dismissed.

No objections have been filed to the *Special Master's Report* and the time for *Challenges* has expired. Due to a clerical error, the *Special Master's Report* has not been acted on by the Court until this time. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the *Findings of Fact and Conclusions of Law* contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Motion to Set Aside Partial Decree* for the above-captioned water rights is hereby dismissed with prejudice.

Dated: June 7, 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 June 08, 2005, with sufficient first-class postage to the following:

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

ALBERT ALVAREZ
ELYSSA ALVAREZ
1059 COUNTY RD 70
WEISER, ID 83672
Phone: 208-549-1554

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.