

RECEIVED

JUL 08 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

Case No. 39576

Fifth Judicial District
County of Twin Falls - State of Idaho

JUL - 7 2005

By

Clerk

Deputy Clerk

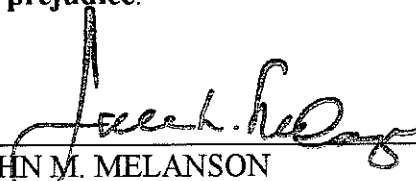
ORDER DENYING MOTION TO SET
ASIDE PARTIAL DECREESFOR WATER RIGHTS: 29-4491 and
29-13557

Partial Decrees were issued for water rights 29-4491 and 29-13557 on June 1, 2004 and June 28, 2004, respectively. On March 9, 2005, Harrison Moon and Debbie Sluder sent correspondence to the SRBA Court asking the court to set aside both *Partial Decrees*. The matter was referred to the Special Master for further proceedings. On April 22, 2005, the Special Master issued a *Special Master's Report and Recommendation on Motion to Set Aside Partial Decrees* recommending the *Partial Decrees* for the above-captioned rights not be set aside or amended, and that the *Motion* filed by Harrison Moon and Debbie Sluder be dismissed. On May 23, 2005, Harrison Moon and Debbie Sluder filed a *Motion to Alter or Amend Special Master's Recommendation*. Charles and Jennie Winter filed a *Response to Motion to Alter or Amend Special Master's Recommendation* and *Motion for Rule 11 Sanctions* seeking costs and attorney fees. On June 13, 2005, Harrison Moon and Debbie Sluder withdrew their *Motion to Alter or Amend*. On July 6, 2005, the Special Master issued an *Order on Motion for Rule 11 Sanctions and Confirming Withdrawal of Motion to Alter or Amend*.

With the withdrawal of the *Motion to Alter or Amend*, no objections have been filed to the April 22, 2005, *Special Master's Report* and the time for *Challenges* has expired. 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 April 22, 2005, *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: July 7, 2005.


JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO SET ASIDE PARTIAL DECREES was mailed on July 07, 2005, with sufficient first-class postage to the following:

CHARLES E & JENNIE L WINTER
CHARLES E WINTER
JENNIE L WINTER

Represented by:
BRADLEY V. SNEED
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

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

DEBBIE SLUDER
HARRISON MOON
1750 N INKOM RD
INKOM, ID 83245
Phone: 208-775-3705

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.