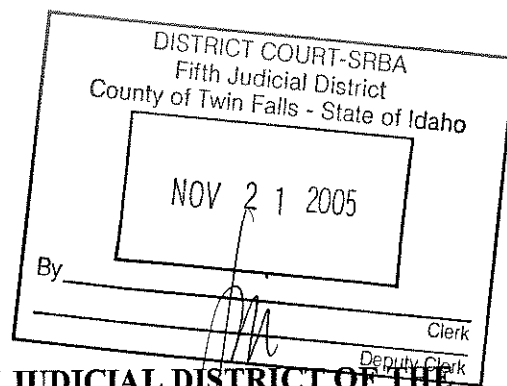




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) ORDER SETTING ASIDE PARTIAL
) DECREE I.R.C.P. 60(a).
) And
) ORDER OF REFERENCE TO
) THEODORE R. BOOTH

For Water Right: 72-13617

On December 1, 2000, a *Partial Decree* was issued for the above-captioned water right. There was a clerical error involved in the decreeing of the right. The right was reported in the *Director's Report* as a "dual-based" water right, meaning the right was claimed on both a state law and federal reserved right basis. Because of this, the right should have been before the Special Master to proceed with the claims pursuant to I.C. § 42-1411A(12). Instead, the right was decreed on both the state and federal basis.

THEREFORE, IT IS ORDERED that the *Partial Decree* issued in the above subcases be **withdrawn and set aside pursuant to I.R.C.P. 60(a)**.

IT IS FURTHER ORDERED that Special Master Theodore Booth be appointed to preside over and conduct all proceedings necessary to issue a recommendation for the above water right consistent with *AOI* and proceed in accordance with I.C. 42-1411A(12).

DATED November 21, 2005.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE I.R.C.P. 60(A) AND ORDER OF REFERENCE TO
THEODORE R. BOOTH was mailed on November 21, 2005, with sufficient
first-class postage to the following:

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
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