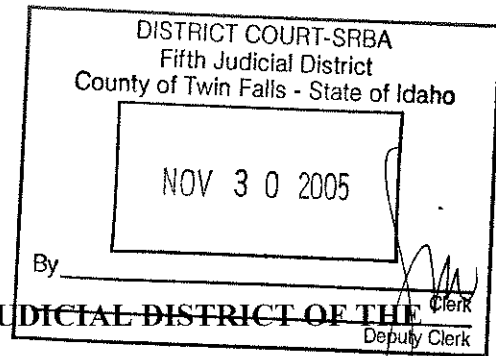


RECEIVED

DEC - 1 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.: 82-10099
	)	
Case No. 39576	)	ORDER OF REFERENCE APPOINTING
	)	SPECIAL MASTER THEODORE R. BOOTH
	)	
	)	

On November 30, 2005, this Court received correspondence from Preston L. Funkhouser, 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** 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* should be set aside or amended, the recommendation should not only include that the *Partial Decree* 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 November 30, 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 APPOINTING SPECIAL MASTER THEODORE R BOOTH was mailed on November 30, 2005, with sufficient first-class postage to the following:

PRESTON L FUNKHOUSER
HC 66 BOX 287
KOOSKIA, ID 83538
Phone: 208-926-4424

EARL H SOTIN
ESTHER L SOTIN
HC 66 BOX 287
KOOSKIA, ID 83539
Phone: 208-926-7514

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

November 27, 2005

Court Clerk
SRBA District Court
P. O. Box 2707
Twin Falls, ID 83303-2707

140

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 30 2005	
By _____	Clerk
_____	Deputy Clerk

Court Clerk:

This letter is to notify you of a correction on the Partial Decree Pursuant to I.R.C.P.54(b) for Water Right 82-10099. The place of use should read "Stock Water T31N R05E S19 SE ¼ SE ¼" - not SWSE as filed. This property was sold to Preston L. and Charlene M. Funkhouser on March 7, 2005. The previous owners were Earl H. and Esther L. Soltin.

A map and documentation is enclosed.

Sincerely,



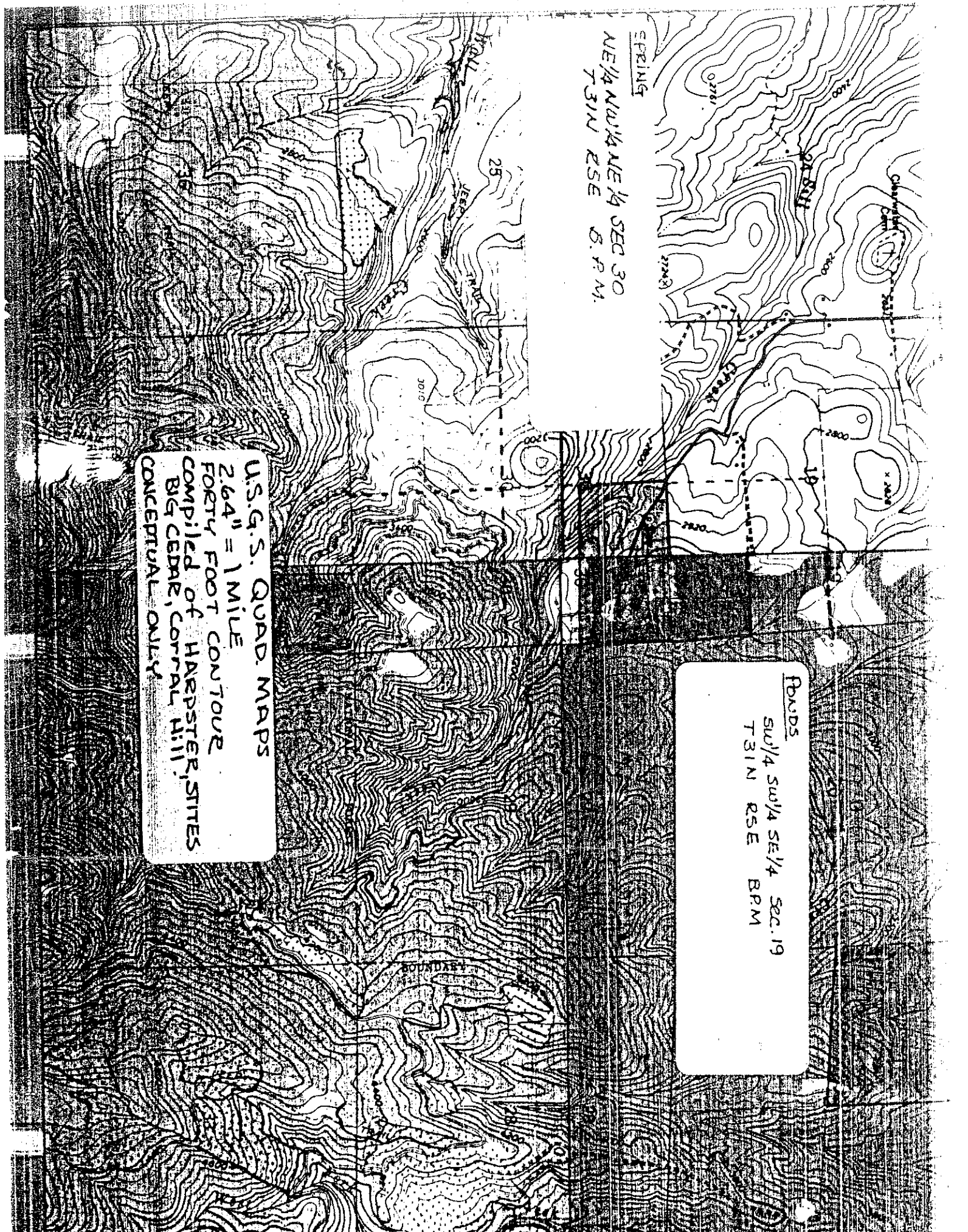
Preston L. Funkhouser
HC 66 Box 287
Kooskia, ID 83538
(208) 926-4424

PAGE 1
JUL-21-2000

SPRING
NE 1/4 NW 1/4 NE 1/4 SEC 30
T 31 N R 5 E B. P. M.

Ponds
SW 1/4 SW 1/4 SE 1/4 SEC. 19
T 31 N R 5 E B. P. M.

U.S.G.S. QUAD MAPS
2.64" = 1 MILE
FORTY FOOT CONTOUR
COMPILED OF HARPSTER, SITES
BIG CEDAR, CORRAL HILL,
CONCEPTUAL ONLY



C5855NP
287

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 12, 1999
PAGE: 1

RIGHT NUMBER: 82-10099

NAME AND ADDRESS: ESTHER L SOTIN
EARL H SOTIN
HC 66 BOX 287
KOOSKIA ID 83539

SOURCE: SPRINGS TRIBUTARY: SINKS
UNNAMED STREAM SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY-DATE: 06/01/1963

POINT OF DIVERSION T31N R05E S19 NWSWSE Within IDAHO County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within IDAHO County
T31N R05E S19 SWSE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP31N05E199011A
STOCKWATER, 30 HEAD