

DEC - 6 2005

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 Rights: 29-12687, 29-13027,
29-13028, 29-13029, 29-13030, 29-13031,
29-13032, 29-13033, 29-13034 and 29-
13038**

On March 22, 2004, *Partial Decrees* were issued for the above-captioned water rights. There was a clerical error involved in the decreeing of the rights. The rights were reported in the director's report as "dual-based" water rights, meaning the rights were claimed on both a state law and federal reserved right basis. Because of this, the rights should have been before the Special Master to proceed with the claims pursuant to I.C. § 42-1411 A(12). Instead, the rights were decreed with a state based priority date and language under the priority date regarding the federal reserved basis of the claims.

THEREFORE, IT IS ORDERED that the *Partial Decrees* issued in the above subcases be **withdrawn and set aside pursuant to I.R.C.P. 60(a).**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 R. Booth be appointed to preside over and conduct all proceedings necessary to issue a recommendation for the above water rights consistent with *AOI* and proceed in accordance with I.C. § 42-1411(12).

Dated December 5, 2005.

JOHN M MELANSON
Presiding Judge

Snake River Basin Adjudication

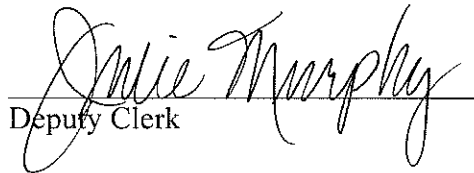
CERTIFICATE OF MAILING

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 December 6, 2005, with sufficient first class mail to the following:

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