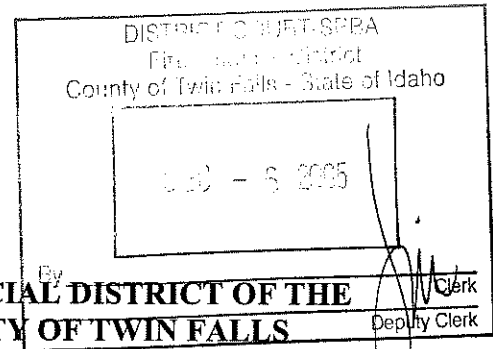




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

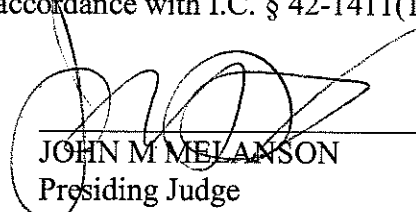
For Water Rights: 45-12912, 45-12913,
45-12915, 45-12916, 45-12917, 45-12918,
45-13480, 45-13481 and 45-13484

On May 13, 2005, *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THEREFORE, IT IS ORDERED that the *Partial Decrees* issued in the above subcases be **withdrawn and set aside pursuant to I.R.C.P. 60(a).**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:

IDWR
P O Box 83720
Boise, Idaho 83720-0098

State of Idaho
Office of the Attorney General
P O Box 444449
Boise, Idaho 83711-4449

United States Department of Justice
550 West Fort Street, MSC 033
Boise, Idaho 83724


Deputy Clerk