

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC - 6 2005	
By _____	Clerk
	Deputy Clerk

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: (See attached list for
Basin 47)**

On July 9, 1999, *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THEREFORE, IT IS ORDERED that the *Partial Decrees* issued in the above subcases be **withdrawn and set aside pursuant to I.R.C.P. 60(a).**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.

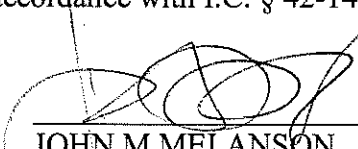

JOHN M MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

47-16040
47-16050
47-16060
47-16066
47-16072
47-16076
47-16090
47-16102
47-16110
47-16126
47-16139
47-16143
47-16146
47-16159
47-16316
47-16483
47-16485
47-16487
47-16489
47-16491
47-16497
47-16499
47-16501
47-16503
47-16505
47-16514
47-16532
47-16626

(Subcase list: 47 WRONG)
12/05/05

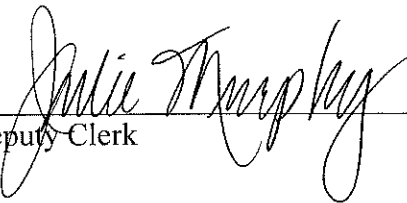
CERTIFICATE OF MAILING

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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