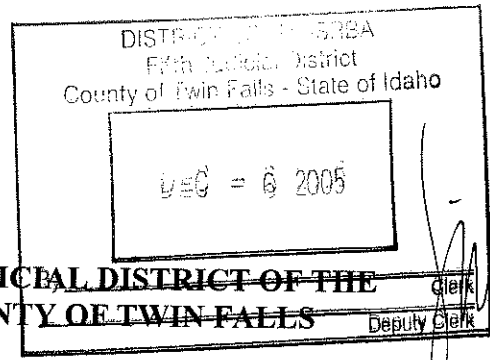




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

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: 51-12843

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 claim pursuant to I.C. § 42-1411 A(12). Instead, the right was decreed with a state based priority date and language under the priority date regarding the federal reserved basis of the claim.

THEREFORE, IT IS ORDERED that the *Partial Decree* issued in the above subcase be **withdrawn and set aside pursuant to I.R.C.P. 60(a).**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