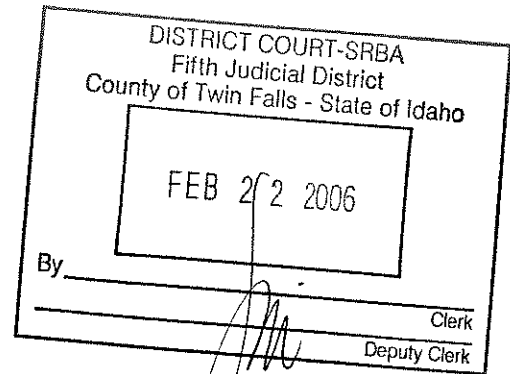


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FEB 23 2006
DEPARTMENT OF
WATER RESOURCES



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

Case No. 39576

Water Rights: 31-02389

**ORDER DENYING MOTION TO SET ASIDE
PARTIAL DECREE**

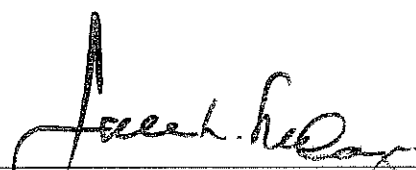
On October 7, 2005, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to Set Aside Partial Decree*. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Motion to Set Aside Partial Decree* be **denied**. The *Partial Decree Pursuant to I.R.C.P. 54(b)* entered on February 22, 2002, for water right 31-02389 will remain in effect.

IT IS SO ORDERED.

DATED February 22, 2006.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO SET ASIDE PARTIAL DECREE CLAIM was mailed on February 22, 2006, with sufficient first-class postage to the following:

NEAL W SAVAGE
HC 69 BOX 1110
HAMER, ID 83425
Phone: 208-662-5241

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

DIANE SAVAGE VALCARCE
1719 HARGIS HILL
WILLARD, UT 84340
Phone: 435-720-1889

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".