

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 26 2007

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 RESCINDING PARTIAL DECREE
BASED ON VOLUNTARY WITHDRAWAL
AND ORDER DISMISSING WATER RIGHT
CLAIM WITH PREJUDICE**

For water right claim: 85-15394

On December 26, 2006, the United States of America filed a *Notice of Voluntary Dismissal of Water Right Claim*. A hearing was held on the *Voluntary Dismissal* on February 20, 2007, whereby the matter was put on the record. No party appeared in opposition.

THEREFORE IT IS ORDERED AND ADJUDGED that the *Partial Decree* previously issued for water right claim 85-15394 is hereby rescinded.

IT IS FURTHER ORDERED AND ADJUDGED that water right claim 85-15394 is **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: FEBRUARY 22, 2007.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

**ORDER RESCINDING PARTIAL DECREE BASED ON VOLUNTARY WITHDRAWAL AND ORDER
DISMISSING WATER RIGHT CLAIM WITH PREJUDICE**

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING PARTIAL DECREE BASED ON VOLUNTARY WITHDRAWAL AND ORDER DISMISSING WATER RIGHT CLAIM was mailed on February 26, 2007, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

Handwritten signature of Julie Murphy in cursive script, positioned over the printed text 'Deputy Clerk'.