

DEPARTMENT OF
WATER RESOURCES

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

MAY 17 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 OF REFERENCE APPOINTING
TERRANCE DOLAN SPECIAL MASTER ON
MOTION TO SET ASIDE PARTIAL
DECREES**

For Water Rights: 47-07312A, 47-07312B & 47-07312C

This matter came before this Court pursuant to a *Motion to Set Aside Partial Decrees*, heard May 15, 2007. Although the *Motion* captioned water rights 47-07312A, 47-07312B and 47-07312C, it appears that 47-07312A may be the only water right at issue. All water rights are for use within the same subdivision. It is alleged that the ***Partial Decree*** for 47-07312A is ambiguous as to which particular lots the water is appurtenant. It is not clear whether water rights 47-07312B and 47-07312C are also at issue. Doug Jones, field agent for the Idaho Department of Water Resources (IDWR) acknowledged there was an error in the manner in which the water right was apportioned to the lots within the subdivision. All parties having affected water rights appeared at the hearing and no party opposed the Court setting aside the ***Partial Decrees*** for purposes of correctly apportioning and amending the ***Partial Decrees***. Counsel for IDWR proposed meeting with the claimants and having IDWR prepare a draft recommendation.

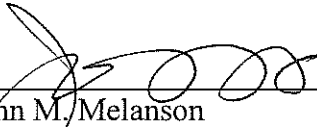
Therefore, IT IS HEREBY ORDERED that the proceedings for the above-captioned water rights are referred to Special Master Dolan with instructions to obtain a draft recommendation from IDWR regarding how the water right or rights should be properly

apportioned and to make a recommendation to the Court whether the *Partial Decree(s)* should be set aside and how they should be amended.

The Special Master shall set proceedings in conformity with *AOI*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this *Order*.

IT IS SO ORDERED.

DATED: May 17, 2007



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING TERRANCE DOLAN SPECIAL MASTER ON MOTION TO SET ASIDE PARTIAL DECREES was mailed on May 17, 2007, with sufficient first-class postage to the following:

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