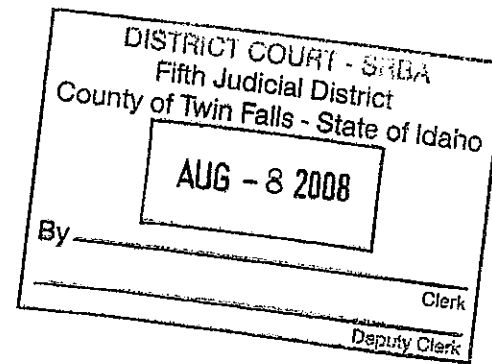


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AUG 11 2008

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	)	Subcases 45-569, 45-574, 45-575, 45-576, 45-618
	)	and 45-2658 (Martin)
	)	
Case No. 39576	)	ORDER DISMISSING MOTION TO SET
	)	ASIDE PARTIAL DECREES AND MOTION
	)	TO PARTICIPATE

On November 29, 2006, Leroy Fairchild wrote a letter to the SRBA Court requesting that *Partial Decrees* entered in subcases 45-574, 45-575, 45-576, 45-618 and 45-2658 in the names of Anne and Harold Martin be set aside.¹ Presiding Judge John M. Melanson entered an *Order of Reference to Special Master Terrence A. Dolan* on December 1, 2006, to determine issues raised by the letter. On July 30, 2007, Susan P. Bedke filed her *Motion to Participate* in all six subcases.

A hearing on Mr. Fairchild's motion to set aside the *Partial Decrees* and Ms. Bedkes' *Motion to Participate* was vacated and continued from August 7, 2007, to allow Mr. Fairchild "to move for summary judgment in Cassia County Case No. CV-2007-470 to clarify the issue of who will be the real party in interest on the claims originally asserted by Leroy Fairchild against [the Martins] in the above entitled action."

On July 17, 2008, counsel for Mr. Fairchild filed a *Stipulation for Withdrawal of Claims of Leroy Fairchild in Subcases* stating that Mr. Fairchild, the Martins and IDWR agree that Mr. Fairchild's "objections" are withdrawn. The *Stipulation* also stated:

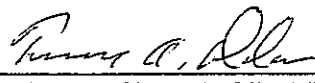
¹ The *Partial Decree* entered in subcase 45-569 in the names of the Martins was added to the above matter by agreement of the parties during a status conference held on January 25, 2007.

The motion of Susan Bedke to participate in the SRBA proceedings has become moot by reason of the fact that the district court in Cassia County Case No. CV-2007-470 has ruled that Susan Bedke did not have an enforceable oral contract to purchase the property of Leroy Fairchild. . . . Susan Bedke has waived her right of appeal of the decision. . . .

It appears from the record that all pending matters in the above subcases have been resolved and no further action is required of the Special Master or the Presiding Judge.

THEREFORE, IT IS ORDERED that 1) Mr. Fairchild's motion to set aside the *Partial Decrees* and Ms. Bedke's *Motion to Participate* are **dismissed**.

DATED August 8, 2008.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING MOTION TO SET ASIDE PARTIAL DECREES AND MOTION TO PARTICIPATE was mailed on August 08, 2008, with sufficient first-class postage to the following:

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ORDER

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