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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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	)	SPECIAL MASTER'S REPORT
	)	AND RECOMMENDATION ON
Case No. 39576	)	MOTION TO SET ASIDE PARTIAL
	)	DECREE
_____	)	WATER RIGHT NO.: 21-00079

I. PROCEDURAL BACKGROUND

A *Motion to Set Aside Partial Decree* and a *Motion to File Late Objection* was filed by Arcadia Reservoir and Canal Company, Ltd. on March 26, 2008. The presiding Judge John M. Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on March 26, 2008.

Claimants Alwyn and Betty Nedrow opposed the *Motion* and requested attorney fees. *Objection to Motion to Set Aside Partial Decree and Objection to Motion to File Late Objection*. (May 8, 2008) A hearing was held on the *Motions* on June 18, 2008. Subsequently, the parties resolved the subcase. A *Notice of Withdrawal of Objection and Request to Vacate Continued Motion to Set Aside Partial Decree and Motion to File Late Objection* was filed on August 13, 2008. A *Notice of Withdrawal of Attorney Fee Claim and Notice to Vacate Hearing* was filed on September 10, 2008.

III. FINDINGS AND CONCLUSIONS

Therefore, IT IS ORDERED the *Motion to Set Aside Partial Decree* and *Motion to File Late Objection* are **denied**. THEREFORE, IT IS RECOMMENDED that there be no changes to the *Partial Decree* issued February 2, 2007 for water right 21-79. No *Amended Partial Decree* should issue. The hearing set on October 1, 2008 at 10:30 a.m. is **vacated**.

DATED: September 11, 2008.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE was mailed on September 12, 2008, with sufficient first-class postage to the following:

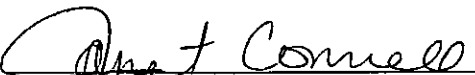
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