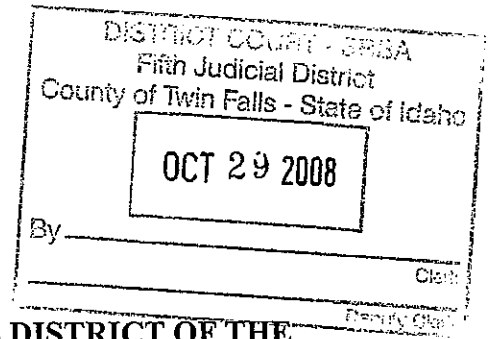




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcases 77-04089, 77-04219, 77-14306,
) 77-14307, 77-14308, 77-14309, 77-14310,
) 77-14311, 77-14312, 77-14313, 77-14314,
) 77-14315, 77-14316, 77-14282,
) and 78-12319
)
) **ORDER REQUESTING IDWR TO SPLIT**
) **WATER RIGHT CLAIMS 77-04089 and**
) **77-04219 AND FILE AMENDED OR**
) **NEW DIRECTOR'S REPORTS;**
)
) **ORDER SETTING DEADLINES;**
)
) **ORDER SETTING STATUS**
CONFERENCE

A status conference was held in the above-captioned subcases on October 7, 2008. Pursuant to the discussions of the participants at the status conference, the following are hereby **ordered**:

Water right claims 77-04089 and 77-04219 claim both diversionary uses (i.e. irrigation) and non-diversionary uses (i.e. instream stockwater). For the purpose of separating the diversionary portions of the claims from the non-diversionary portions, it is necessary for the Idaho Department of Water Resources (IDWR) to split water right claims 77-04089 and 77-04219 as set forth herein. The non-diversionary portions of water right claim 77-04089 shall be split-off and be assigned water right numbers 77-14306, 77-14307, 77-14308, 77-14309, 77-14310, 77-14311, 77-14312, 77-14313, and 77-14314. The remaining diversionary portion of water right 77-04089 shall retain that number.

The non-diversionary portions of water right claim 77-04219 shall be split-off and be assigned water right numbers 77-14315 and 77-14316. The remaining diversionary portion of water right 77-04219 shall retain that number.

IDWR shall file amended or new director's reports for water right numbers 77-04089, 77-04219, 77-14306, 77-14307, 77-14308, 77-14309, 77-14310, 77-14311, 77-14312, 77-14313, 77-14314, 77-14315, and 77-14316. The claimant shall be required to pay the applicable filing fee for each newly assigned claim number.

The amended or new director's reports shall be filed by **November 28, 2008**. Notice of the filing of the amended or new director's reports shall be published on the Court's Docket Sheet in December, 2008, and **objections to the amended or new director's reports shall be filed by December 29, 2008**. The objections currently on file in subcases 77-04089 and 77-04219 shall not survive the filing of the amended or new director's reports, and any party in disagreement with said amended or new director's reports will need to file an objection thereto.

A status conference will be held on **February 10, 2009 at 9:30 AM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dated Oct. 29, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REQUESTING IDWR SPLIT RIGHTS & FILE DIRECTOR'S RPTS; ORDER SETTING DEADLINES; ORDER SETTING STATUS CONFERENCE was mailed on October 29, 2008, with sufficient first-class postage to the following:

KENNETH R & TAMMIE WALTERS
KENNETH R WALTERS
TAMMIE WALTERS

Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
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UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

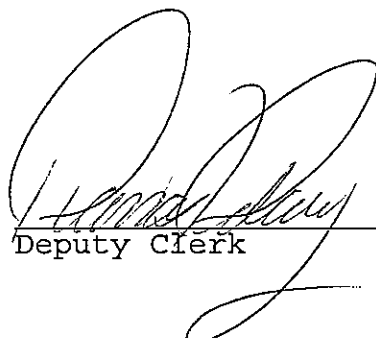
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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ORDER

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Deputy Clerk