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DEPARTMENT OF
WATER RESOURCES

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

JAN - 5 2009

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

) Subcase nos: 29-2354, 29-2382, 29-7222, 29-
) 7431, 29-7502, 29-7782, 29-11344, 29-13636
)
) ORDER DISMISSING MOTION FOR
) RECONSIDERATION
)
)
)
)

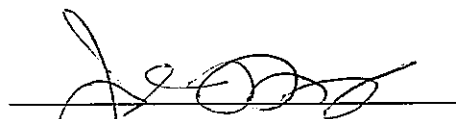
Partial Decrees were issued by this Court for the above-captioned water rights on July 16, 2007, based on a settlement. After the issuance of the *Partial Decrees*, the City of Pocatello filed a *Motion for Reconsideration of Eight (8) Partial Decrees* on July 31, 2007. Hearings on the *Motion* were held by the Special Master on October 10, 2007, July 9, 2008, and December 17, 2008. The Special Master issued a *Special Master's Report and Recommendation on Pocatello's Motion for Reconsideration of Eight (8) Partial Decrees* on December 30, 2008, recommending the *Motion* be denied.

The City's *Motion* was filed to stay entry of *Partial Decrees* on the state-law basis of the claims, pending the outcome of the appeal on the federal-law basis for the claims. On December 8, 2008, the City provided notice that the U.S. Supreme Court denied certiorari on the federal-law basis of the claims. Accordingly, the entry of the *Partial Decrees* on the state-law basis is appropriate.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the *Findings of Fact and Conclusions of Law* contained in the *Special Master's Report* and wholly adopts them as it's own.

Therefore, IT IS ORDERED that the *City of Pocatello's Motion for Reconsideration* is dismissed.

Dated January 5, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DISMISSING MOTION FOR RECONSIDERATION was mailed on January 05, 2009, with sufficient first-class postage to the following:

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