

RECEIVED

FEB 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB - 2 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

)
) ORDER SETTING ASIDE PARTIAL
) DECREES; I.R.C.P. 60(a)
)
)
) For water rights: 75-10330, 75-14381, and
) 75-14383
)

Partial Decrees were filed for the above-captioned water rights on November 17, 2008. On January 23, 2009, the SRBA Clerk of the Court received a letter from the Idaho Department of Water Resources (IDWR) indicating that the *Partial Decrees* issued for the above-captioned water rights had been issued in error. The letter indicated that these rights are uncontested overlapping rights that are linked to a series of objections to other water rights on Wallace Creek and therefore should have been held back from decree. The claimants for these rights were also notified. The Court finds the *Partial Decrees* issued for 75-10330, 75-14381, and 75-14383 to be the result of a clerical error.

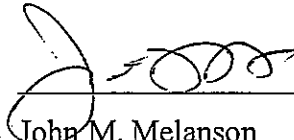
THEREFORE, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the *Partial Decrees* previously issued November 17, 2008, for water rights 75-10330, 75-14381, and 75-14383 are hereby **set aside** and shall not be confirmed in any final unified decree in SRBA Case No. 39576 in whatever form that decree may otherwise take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order

shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated: February 2, 2009



John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREES; I.R.C.P. 60(A) was mailed on February
02, 2009, with sufficient first-class postage to the following:

FREDDE HOWARTH-NOTT SEPARATE
PROPERTY TRUST
PO BOX 1166
SALMON, ID 83467
Phone: 208-756-4712

WILLIAM ROBERT MAXWELL
PO BOX 256
CARMEN, ID 83462
Phone: 208-756-2616

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.