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DEPARTMENT OF
WATER RESOURCES

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

FEB - 9 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

) Subcase no: 27-11448

Case No. 39576

)
) ORDER RESCINDING ORDER OF
) REFERENCE AND ORDER
) DISMISSING ANY PENDING MOTIONS
) IN SUBCASE 27-11448
)
)

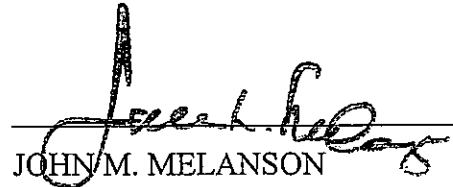
On November 18, 2008, this Court received correspondence from the Idaho Department of Water Resources ("IDWR") concerning a need to correct a number of water right recommendations in Basin 27. After reviewing the court files, this Court found that *Partial Decrees* had already been issued for some of the rights identified by IDWR, including water right number 27-11448.

As a result, on January 8, 2009, this Court issued an *Order of Reference Appointing Special Master Bilyeu* in the above-captioned subcase to determine (among other issues) if the correspondence from IDWR constitutes a proper motion to set aside a *Partial Decree* or a motion to correct a clerical error pursuant to I.R.C.P. 60(b). Thereafter, a hearing was held in front of Special Master Bilyeu on January 30, 2008. At that hearing, IDWR notified the Special Master that subcase 27-11448 was improperly included in the list of recommendations reported as erroneous to this Court on November 18, 2008.

THEREFORE IT IS ORDERED that the *Order of Reference Appointing Special Master Bilyeu* is hereby rescinded.

IT IS FURTHER ORDERED that any motion pending in subcase 27-11448 relating to IDWR's correspondence of November 18, 2008 is hereby dismissed.

Dated February 9, 2009


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING
ORDER OF REFERENCE AND ORDER DISMISSING ANY PENDING MOTIONS
IN SUBCASE 27-11448 was mailed on February 09, 2009, with sufficient
first-class postage to the following:

USDA FOREST SERVICE

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".