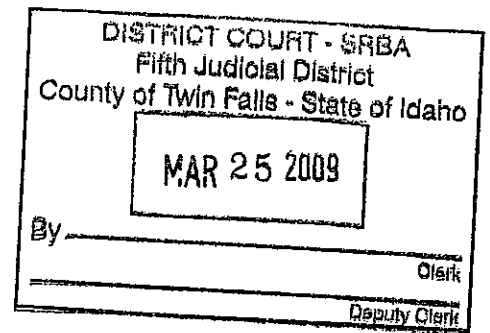


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MAR 26 2009

DEPARTMENT OF
WATER RESOURCES



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 No.: 63-20931

) ORDER OF REFERENCE APPOINTING
) SPECIAL MASTER THEODORE R. BOOTH
)
)
)

On March 25, 2009, this Court received correspondence from Harold and Shirley Easter regarding the above-captioned water right claim. A copy of the correspondence is attached to this **Order**. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file. Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a **Partial Decree** was previously entered for the water right claim, the **Partial Decree** was also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Theodore R. Booth is appointed Special Master to preside over the above-captioned water right claim for the following purposes:

a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a **Partial Decree** pursuant to I.R.C.P. 60(b), etc.;

b. To determine whether the correspondence complies with **SRBA Administrative Order 1 (AOI)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

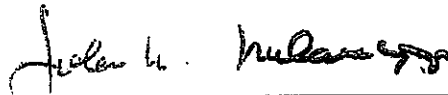
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a *Partial Decree* should be set aside or amended, the recommendation should not only include that the *Partial Decree* be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AO1*.

IT IS SO ORDERED.

DATED March 25, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE was mailed on March 25, 2009, with sufficient first-class postage to the following:

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

HOWARD EASTER
SHIRLEY EASTER
4309 HAPPY VALLEY RD
NAMPA, ID 83686
Phone: 208-466-8430

March 20, 2001

2274

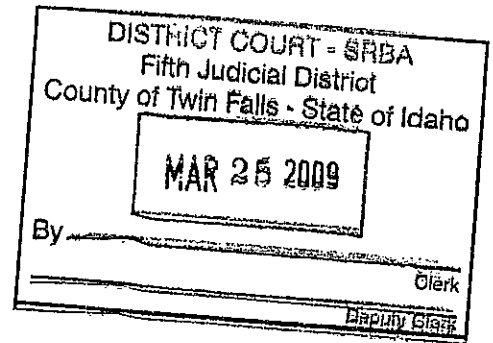
Case # 39576

63-20931

State of Idaho
District Court

S Snake River Basin Adjudication

Attn: Ted Booth



Dear Sir:

I am writing this letter today, because I received a letter saying I was being Disallowed my water rights I have used this water since 1969, and before that my uncle used this water from this Drain Ditch it is composed of water from runs off the farms above me waste. I pay a water Bill each year but I have no way of receiving this water there is no Ditch I own 2 acres at present, all in yard. I water this yard with a small pump, pumping out of the Drain Ditch. my wife and I have been retired since 1992, and have been out of State quite a bit I have never seen any papers asking us to refile on this Ditch.

I would like to have this partial Decree Recorded if at all possible, It is the only way I have to water my yard.

4309 HAPPY VALLEY RD.
NAMPA, IDAHO
83686

Hoping you can do something
Howard & Shirley Easter