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MAY 18 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAY 14 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	)	SUBCASES: 37-158C, 37-274, 37-276B AND
	)	37-892A
	)	
Case No. 39576	)	ORDER RESCINDING ORDER OF
	)	REFERENCE TO SPECIAL MASTER
	)	BRIGETTE BILYEU AND ORDER OF
	)	REFERENCE APPOINTING THEODORE R.
	)	BOOTH AS SPECIAL MASTER

The above-captioned water rights claims were included in the general *Order of Reference* appointing Brigitte Bilyeu as special master for all contested claims reported in the *Director's Report, Irrigation and Other Uses, Reporting Area 16*, filed February 21, 2007. The *Order of Reference* is rescinded as to the above-captioned subcases and Theodore R. Booth is appointed as special master to preside over the subcases and issue reports as set forth in *SRBA Administrative Order 1*. The Special Master shall have the authority to: Fix the time and conditions for the filing of supplemental pleadings and amendments to pleadings; schedule and hear dispositive and nondispositive motions of any party; schedule and conduct all pretrial matters, including pretrial, status and scheduling conferences; issue pretrial orders; schedule and limit the scope of discovery; order the discovery of facts known and opinions held by experts; issue protective orders; issue orders compelling discovery; sanction failure to comply with pretrial, trial-related or post-trial orders; summon witnesses and issue subpoenas; take such evidence as may be introduced or deemed necessary; rule on the admissibility of evidence; call witnesses on behalf of the court; and appoint expert witnesses for the court.

The Special Master shall set proceedings in conformity with *SRBA Administrative Order 1*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to

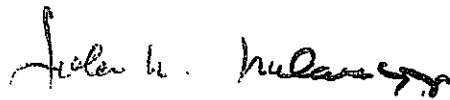
regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of the Special Master's duties under this **Order**.

General Provisions – Contested or Uncontested: Identify and preside over any objections filed to the recommended general provision for the above-captioned basin. Following a review of the objections if it is determined that the recommended general provision was uncontested then issue a ***Special Master's Report and Recommendation*** notifying the Court that the general provision was not contested. Alternatively, if the recommended general provision is contested then following proceedings on objections, issue a ***Special Master's Report and Recommendation*** consistent with the outcome of the proceedings.

Notification of Uncontested Overlaps or Claims Affected by a Contested Matter:
Prior to the date set for the Court's hearing on uncontested claims, make inquiry of IDWR and parties regarding the existence of any previously unidentified uncontested overlapping claims or other uncontested claims potentially affected by claims to which an objection has been filed and notify the Court regarding whether these claims should be withheld from partial decree.

IT IS SO ORDERED.

DATED: May 14, 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 May 14, 2009, with sufficient first-class postage to the following:

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