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DEPARTMENT OF
WATER RESOURCES

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

JUL 23 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

)
) Water Right No.: 67-04450
)

) ORDER SETTING ASIDE FINAL ORDER
)

) ORDER GRANTING MOTION TO FILE
) LATE OBJECTION
)

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

On April 23, 2009, the State of Idaho filed a *Motion to Set Aside Final Order* and a *Motion to File Late Objection* for the above-captioned water right. A hearing on the *Motions* was held on July 21, 2009. No party appeared in opposition to the *Motions*. Following a review of the file and after hearing the comments made in open court, the Court finds that the State of Idaho failed to file a timely objection to the *Director's Report* for the above-captioned water right due to mistake, inadvertence, or excusable neglect.

THEREFORE, IT IS ORDERED that pursuant to Idaho Rule of Civil Procedure 60(b), the *Final Order Disallowing Water Right Claim 67-04450* is hereby set aside.

IT IS FURTHER HEREBY ORDERED that pursuant to I.R.C.P. 55(c), the State of Idaho's *Motion to File Late Objection* for the above-captioned water right is **granted**. The Clerk of the Court is instructed to file the previously lodged objection.

IT IS FURTHER HEREBY ORDERED that Special Master Theodore R. Booth be appointed to preside over the above-captioned subcase and conduct all proceedings

necessary to issue a recommendation consistent with *Administrative Order 1*, and the authority previously conferred in the *Order of Reference for Basin 67*.

IT IS SO ORDERED.

Dated July 23, 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 FINAL ORDER/ORDER GRANTING MOTION TO FILE LATE OBJECTION/ORDER
OF REFERENCE was mailed on July 23, 2009, with sufficient first-class
postage to the following:

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

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STATE OF IDAHO

DEPT OF FISH & GAME

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A handwritten signature in cursive script, appearing to read "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".