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OCT 19 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 16 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 Nos.: 75-10061E, 75-10061G,
	)	75-10062E & 75-10178
Case No. 39576	)	
	)	ORDER OF REFERENCE APPOINTING
	)	SPECIAL MASTER TERRENCE A. DOLAN
	)	

On October 16, 2009, this Court received correspondence from Bruce McFarland, regarding the above-captioned water right claims. 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 claims were previously uncontested, a subcase file was created for the correspondence. Where **Partial Decrees** were previously entered for the water right claims, the **Partial Decrees** were 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 claims 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 Decrees** 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 the *Partial Decrees* should be set aside or amended, the recommendation should not only include that the *Partial Decrees* be amended or set aside, but should also include how the elements of the water rights 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 *AOI*.

IT IS SO ORDERED.

DATED October 19, 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 APPOINTING SPECIAL MASTER TERRENCE A. DOLAN was mailed on October 16, 2009, with sufficient first-class postage to the following:

BRUCE MC FARLAND
PO BOX 124
CARMEN, ID 83462
Phone: 208-756-2490

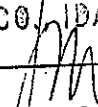
BARBARA K SLAVIN
WILLIAM G SLAVIN
PO BOX 255
CARMEN, ID 83462
Phone: 208-756-6309

DERROLD SLAVIN
MADGE SLAVIN
PO BOX 41
CARMEN, ID 83462
Phone: 208-756-3442

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.

District Court
SRBA

LODGED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED  October 14, 2009
2009 OCT 16 AM 10 55

Dear Sirs,

My name is Bruce McFarland and I am the water-master for Water District 75D
(Carmen Creek.)

During the course of delivering water this fall, it came to my attention, four (4) water rights that have been recommended are not in accordance with the original decree. Nor does it follow how the water has been delivered for the last forty (40) or fifty (50) years. These water rights are as follows:

75-10061E V1, 75-10062E V1 - William Slavin
75-10178 V1, 75-10061G V1 - Derrold Slavin

The water rights are partially what is called "exchange water" and partially decreed rights.

I would appreciate your attention to this matter. If I can be of any assistance, I can be reached at 208-756-2490 or PO Box 124, Carmen, ID 83462.

Thank you,



Bruce McFarland