

RECEIVED
OCT 21 2009
DEPARTMENT OF
WATER RESOURCES

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

OCT 20 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: 75-4089
Case No. 39576)
ORDER SETTING ASIDE PARTIAL
DECREE AND ORDER OF
RECOMMITMENT TO SPECIAL
MASTER

A *Partial Decree* was issued for the above-captioned water right on November 17, 2008, for claimants Eugene and Viola Edwards. On December 10, 2008, the claimants' son, Paul Edwards, filed an *Objection*. On that same date, this Court issued an *Order of Reference Appointing Special Master Terrence A. Dolan*. In its *Order*, the Court considered the *Objection* as a *Motion to Set Aside Partial Decree* and referred the matter to the Special Master for further proceedings on the *Motion*.

On August 7, 2009, Special Master Dolan issued a *Special Master's Report and Recommendation* recommending that the *Partial Decree* be set aside. Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

THEREFORE, based on the foregoing, THE FOLLOWING ARE HEREBY ORDERED:

IT IS ORDERED that the *Partial Decree* for water right claim 75-4089 is set aside.

IT IS FURTHER ORDERED that the above-captioned subcase is recommitted to Special Master Terrence A. Dolan to preside over and conduct any and all proceedings necessary to resolve any remaining issues involving water right 75-4089 and to issue a

recommendation consistent with *Administrative Order 1*, and the authority previously conferred in the *Order of Reference for Basin 75*. Special Master Dolan is hereby appointed to rule upon and make a recommendation as to the underlying elements of water right 75-4089.

IT IS SO ORDERED

Dated October 20, 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 PARTIAL DECREE AND ORDER OF RECOMMITMENT TO SPECIAL MASTER
was mailed on October 20, 2009, with sufficient first-class
postage to the following:

EUGENE F EDWARDS
VIOLA M EDWARDS
PO BOX 1145
SALMON, ID 83467
Phone: 208-756-3520

PAUL EDWARDS
PO BOX 747
SALMON, ID 83467
Phone: 208-756-2139

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".