

RECEIVED

AUG 06 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - IDAHO Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 5 2010	
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

) Subcases: 75-04005, 75-10061AH, 75-
) 10062AG, 75-13313 and 75-13314
) (Campbell)
)
) ORDER SETTING ASIDE PARTIAL
) DECREES
)
) ORDER OF REFERENCE TO SPECIAL
) MASTER TERRENCE DOLAN FOR
) FURTHER PROCEEDINGS
)

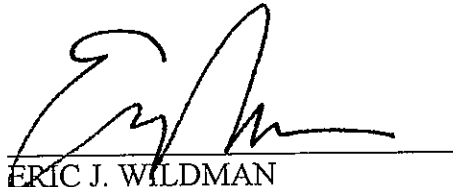
Partial Decrees were previously issued for the above-captioned water right claims on November 17, 2008. On January 7, 2009, Claimant John Wayne Campbell filed *Standard Form 1 Objections* to the *Partial Decrees*. This Court treated the *Objections* as a *Motion to Set Aside Partial Decree* for each of the above-captioned rights. Specifically, Claimant asserted that the *Partial Decrees* for the above-captioned water rights contained errors in the name and address element, the source element, and the period of use element. The matter was referred to Special Master Dolan for further proceedings on the *Motions*. On June 10, 2010, a hearing on the *Motions* was held before the Special Master wherein the Idaho Department of Water Resources agreed with Claimant that the *Partial Decrees* included an error with respect to the name and address element and the source element, but were not in agreement with respect to the alleged error in the period of use element. On June 14, 2010, the Special Master issued a *Special Master Report and Recommendation*, recommending that the *Partial Decrees* for the above-captioned water right claims be set aside to correct the name and address and source elements, and that the above-captioned water right claims be remanded to the Special Master for further proceedings on the issue of period of use.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Finding of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

THEREFORE IT IS HEREBY ORDERED that Claimant's *Motion to Set Aside Partial Decree* is **granted** and that the *Partial Decrees* issued for water rights 75-04005, 75-10061AH, 75-10062AG, 75-13313 and 75-13314 are hereby set aside to correct the name and address and source elements.

IT IS HEREBY FURTHER ORDERED that subcases 75-04005, 75-10061AH, 75-10062AG, 75-13313 and 75-13314 are referred to Special Master Dolan for further proceedings pertaining to the period of use element.

Dated August 5, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREES AND ORDER OF REFERENCE TO SPECIAL MASTER
TERRENCE DOLAN FOR FURTHER PROCEEDINGS was mailed on August
05, 2010, with sufficient first-class postage to the following:

TOM MCFARLAND
PO BOX 127
CARMEN, ID 83462

JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN, ID 83462-0049
Phone: 208-756-4241

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


Deputy Clerk