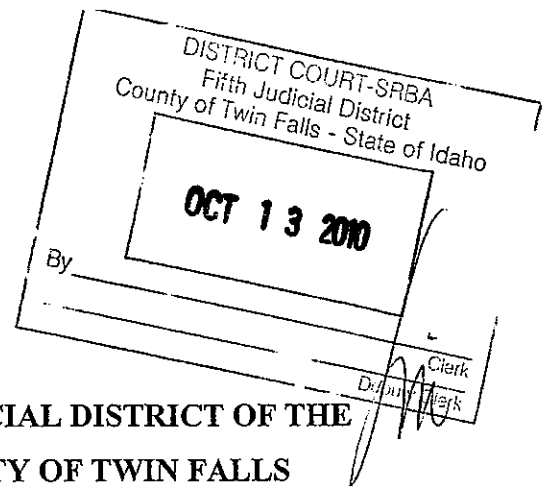


RECEIVED
OCT 14 2010
DEPARTMENT OF
WATER RESOURCES



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) WATER RIGHT NO: 75-10547
Case No. 39576) ORDER OF REFERENCE APPOINTING
TERRENCE A. DOLAN AS SPECIAL
MASTER
_____)

On October 12, 2010, Ann M. Heltsley ("Objector") filed a *Domestic and Stock Water Right Objection* to the above-captioned water right. The above-captioned water right proceeded uncontested in the Snake River Basin Adjudication ("SRBA") and a **Partial Decree** was issued by the Court for the right on November 3, 2000. The *Objection* appears to raise an objection to the decreed source element of the above-captioned water right and additionally asserts that the decreed right should not exist.

However, the nature of the relief sought by the Objector in the *Objection* is not immediately ascertainable. If the Objector desires to set aside the **Partial Decree** entered in 2000 and reopen the matter to object to and re-litigate the decreed source element, then the *Objection* may be interpreted and proceed in the SRBA as a *Motion to Set Aside Partial Decree*. If however the Objector is alleging that the owner of the above-captioned water right is illegally diverting water from a source to which he does not have a water right and desires the Idaho Department of Water Resources to curtail and/or administer the alleged illegal diversion, then jurisdiction lies with the Idaho Department of Water Resources and not with the SRBA.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

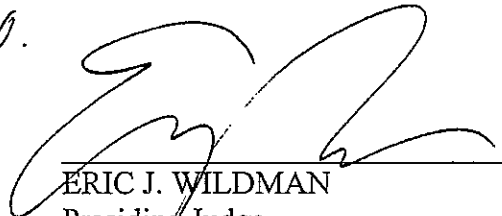
1. This matter is referred to Special Master Terrence A. Dolan for further proceedings to determine the nature of the relief sought by Objector.

2. If the Special Master determines that the relief sought by the Objector is to set aside the **Partial Decree**, then the Special Master is hereby appointed to conduct all proceedings necessary to issue a recommendation, consistent with **SRBA Administrative Order 1** ("**AOI**"), on the issue of whether the *Motion to Set Aside* should be granted pursuant to **AOI § 14d** and Idaho Rule of Civil Procedure 60(b).

3. If the Special Master determines that the relief sought by the Objector is to have an alleged illegal diversion curtailed and/or administered by the Idaho Department of Water Resources, then the Special Master shall issue a recommendation that the SRBA lacks jurisdiction to entertain the *Objection* and that the matter should be filed with the Idaho Department of Water Resources.

IT IS SO ORDERED.

Dated October 13, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING TERRENCE A. DOLAN AS SPECIAL MASTER was mailed on October 13, 2010, with sufficient first-class postage to the following:

EVAJEANNE MARTENS
KENNETH J MARTENS
HC 10 BOX 26A
NORTH FORK, ID 83466
Phone: 208-865-2127

ANN M HELTSLEY
PO BOX 4
NORTH FORK, ID 83466
Phone: 208-865-2013

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

PATRICK MURPHY
14 BLAZE TREE TRAIL
NORTH FORK, ID 83466

ADELE CRAWFORD
24155 HEWETT RD
ALPINE, OR 87456
Phone: 503-847-5199

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".