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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 2011	
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. 36-02473A & 36-11508
	)
Case No. 39576	)
	) ORDER DENYING MOTION TO SET
	) ASIDE AND AMEND PARTIAL
	) DECREES
	)

On December 29, 1997, the SRBA District Court issued a *Partial Decree* for water right 36-02473A. On May 22, 2002, the SRBA District Court issued an *Amended Partial Decree* for water right 36-11508. On July 3, 2007, the owner of water rights 36-02473A and 36-11508 filed a *Standard Form 4 Motion to File Amended Notice of Claim* for each claim. The *Motion* was treated as a motion to set aside and amend the previously issued *Partial Decrees*. On July 3, 2007, an *Order of Reference* was issued appointing Special Master Theodore R. Booth to preside over the *Motion* and to conduct all proceedings necessary to issue a recommendation consistent with *SRBA Administrative Order 1*. On December 15, 2010, the Special Master issued a *Special Master's Recommendation on Motion to Set Aside and Amend Partial Decrees*, wherein he recommended that the *Motion* be denied contingent upon water right 36-16749 being decreed in the SRBA with the elements as set forth in the *Director's Report* for that right.¹

¹ Water right claim 36-16749 (claimed by A&B Irrigation District) was reported in the *Late Claims Director's Report* filed with the Court on June 29, 2010. No objections were filed to the *Director's Report* for the claim, and the objection period has expired. A hearing on the uncontested late claims reported in the June 29, 2010 *Director's Report* is scheduled for March 15, 2011. It is anticipated that a partial decree for water right 26-16749 will be issued shortly thereafter.

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 Recommendation* and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

Therefore, IT IS ORDERED, that the *Standard Form 4 Motion to File Amended Notice of Claim*, which is treated by the Court as a *Motion to Set Aside and Amend Partial Decree* is hereby **denied**, provided that the *Motion* may be re-filed in the event that water right claim 36-16749 is not decreed in accordance with the *Director's Report* for that claim.

Dated January 31, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING MOTION TO SET ASIDE AND AMEND PARTIAL DECREES was mailed on January 31, 2011, with sufficient first-class postage to the following:

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