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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 29 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

Case No. 39576

) Subcase No: 75-14236
)
) ORDER SETTING ASIDE FINAL
) ORDER DISALLOWING WATER
) RIGHT CLAIM
)
) ORDER OF REFERENCE
) APPOINTING TERRENCE A. DOLAN
) SPECIAL MASTER
)
)

On November 13, 2009, a *Final Order Disallowing Water Right Claim* was issued in the above-captioned subcase. On February 8, 2011, James and Cathleen Tippet filed a *Motion to Set Aside Final Order Disallowing Water Right Claim* for the above-captioned water right. On February 8, 2011, this Court referred the matter to Special Master Terrence A. Dolan for further proceedings.

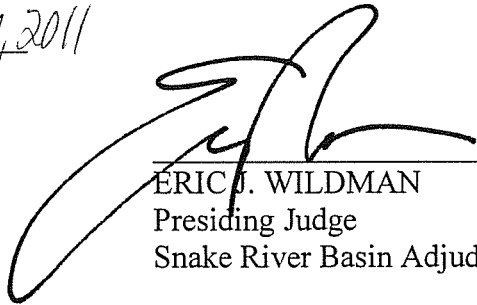
On August 29, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water right, wherein the Special Master recommended that the *Final Order Disallowing Water Right Claim* disallowing claim 75-14236 be set aside and the matter be referred back to the Special Master for further proceedings to determine, among other things, whether the above-mentioned claim should be amended. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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 Recommendation* and wholly adopts them as its own.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1. The *Final Order Disallowing Water Right Claim* issued on November 13, 2009, disallowing water right claim 75-14236 **is hereby set aside.**
2. This matter is referred to Special Master Terrence A. Dolan for further proceedings consistent with those outlined in the *Special Master's Report and Recommendation.*

Dated September 29, 2011



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 FINAL ORDER DISALLOWING CLAIM AND ORDER OF REFERENCE APPOINTIN
SPECIAL MASTER was mailed on September 29, 2011, with sufficient
first-class postage to the following:

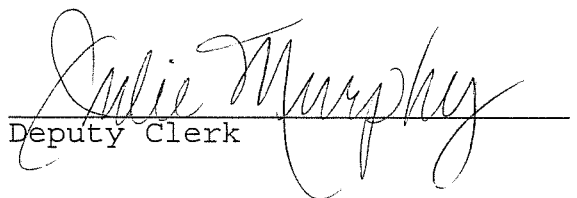
UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
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DIRECTOR OF IDWR
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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".