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DEPARTMENT OF
WATER RESOURCES

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

MAR - 4 2010

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk
Clerk

In Re SRBA

) Subcase 67-11416

Case No. 39576

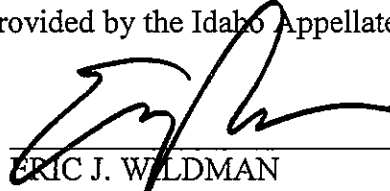
)
) ORDER DENYING MOTION TO SET
) ASIDE PARTIAL DECREE
)

On August 25, 2009, Kevin Madsen filed a *Motion to Set Aside Partial Decree* for the above-captioned water right. The matter was referred to Special Master Theodore Booth who was instructed to issue a recommendation on the *Motion*. On January 25, 2010, Special Master Booth issued a *Special Master's Report and Recommendation Re: Motion to Set Aside Partial Decree*, which recommended that Mr. Madsen's *Motion* be denied. This Court has reviewed the findings and conclusions of the *Special Master's Report and Recommendation* and wholly adopts them as its own. Accordingly, the *Motion to Set Aside Partial Decree* is hereby **denied**.

Rule 54(b) Certificate

With respect to the issues determined in this *Order Denying Motion to Set Aside Partial Decree*, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above order shall be a final order upon which an appeal may be taken as provided by the Idaho Appellate Rules.

Dated March 4, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

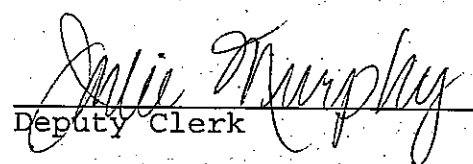
I certify that a true and correct copy of the ORDER DENYING MOTION TO SET ASIDE PARTIAL DECREE was mailed on March 04, 2010, with sufficient first-class postage to the following:

EAST FORK DITCH CO LTD
C/O DEE STARNIRI
2405 ORCHARD RD
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KEVIN MADSEN
2073 N GALENA RD
COUNCIL, ID 83612

Handwritten signature of Julie Murphy in cursive script, written over the printed name 'Deputy Clerk'.