

OCT 10 2001

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *JK*

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

ORDER SETTING ASIDE PARTIAL
DECREE

For Water Right 51-10220

On August 14, 2001, a *Special Master's Report and Recommendation* was filed for the above water right recommending "that the *Partial Decree* entered in 51-10220 be set aside and later amended to have the same priority date as that decreed for 51-04037.". No motions to alter or amend were filed to the *Special Master's Report and Recommendation* and the time for doing so 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 wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 51-10220 is hereby **set aside** without prejudice pursuant to I.R.C.P. 60(b). The *Order of Reference to Special Master Terrance A. Dolan* dated August 14, 2001 is still in effect, pending a final report from the Special Master as to how the elements of water right 51-10220 should ultimately be partially decreed.

DATED October 9, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE was mailed on September 25, 2001, with
sufficient first-class postage to the following:

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