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Department of Water Resources

DISTRICT COURT-SREA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT 28 2003	
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	)	ORDER OF REFERENCE APPOINTING
	)	BRIGETTE BILYEU SPECIAL MASTER
Case No. 39576	)	FOR FURTHER PROCEEDINGS ON
	)	MOTION TO FILE LATE CLAIM
	)	
	)	For Water Right Claim 34-13811

This matter came before this Court pursuant to a *Motion to File a Late Claim*, heard on October 21, 2003. The Claimants, Vonda P. Bruhn and Arva Jean Hodge, appeared *pro se*. No party filed an objection or appeared in opposition to the *Motion*. Following a review of the file and after hearing the comments made by the Claimants in open court, the Court finds that the Claimants have demonstrated an excuse for the untimely filing of the subject late claim and a meritorious position; both of which are elements of the "good cause" standard for filing a late claim as required by *SRBA Administrative Order 1 (AO1)* 4.d.(2)(d) and I.R.C.P. 55(c). However, the element of prejudice to other parties, if any, that may arise by the late claim was not addressed. The Court places emphasis on this element because the originally reported irrigation and other purposes water rights in Basin 34 have substantially all been litigated and decreed. A new late claim on a fully decreed source potentially puts parties with rights on the same source in the position of re-litigating issues that have already been decided, or in the position of addressing new issues that should have been properly raised at the time the source of the subject claim was initially reported and litigated. Therefore, THE FOLLOWING ARE HEREBY ORDERED;

This matter is referred to Special Master Brigitte Bilyeu for further proceedings to determine the degree of prejudice, if any, to other parties on the same claimed source. If the

Special Master finds no such prejudice, then to recommend to this Court that the late claim be granted.

Special Master Bilyeu shall set proceedings in conformity with *AOI*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of her duties under this *Order*.

IT IS SO ORDERED.

DATED: October 22, 2003



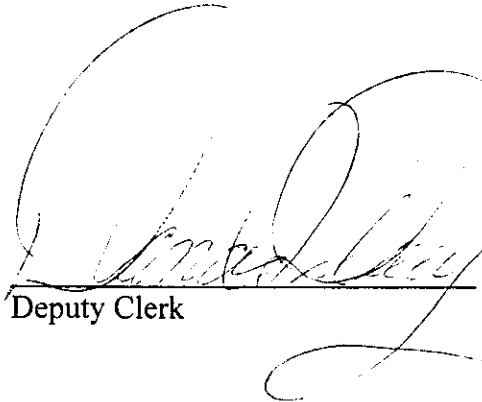
John M. Melanson
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING BRIGETTE BILYEU SPECIAL MASTER was mailed on October 28, 2003, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Vonda P Bruhn
Arva Jean Hodge
673 Rockard Ave
Pocatello, ID 83201



Deputy Clerk