

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2004 MAR 30 PM 4 47

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	)	Water Right No. 29-10783
	)	
Case No. 39576	)	ORDER OF REFERENCE TO
	)	SPECIAL MASTER
	)	BRIGETTE BILYEU
	)	

On March 29, 2004, this Court received correspondence regarding the above-captioned water right claim. A copy of the correspondence is attached to this **Order**. The original of the correspondence was filed stamped, docketed as received, and lodged in the subcase file. Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a **Order Disallowing Water Right** was previously entered for the water right claim, the **Order Disallowing Water Right** was also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Brigitte Bilyeu is appointed Special Master to preside over the above-captioned water right claim for the following purposes:
 - a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to set aside the **Order Disallowing Water Right** pursuant to I.R.C.P. 60(b), etc.;
 - b. To determine whether the correspondence complies with **SRBA Administrative Order 1 (AO1)** and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; or whether the matter should be dismissed on its face.

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Brigitte Bilyeu, 29-10783

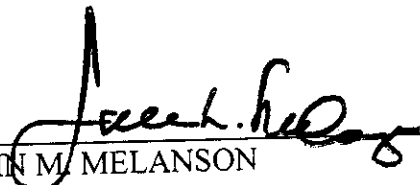
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rules(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes that the ***Order Disallowing Water Right*** be set aside, the recommendation should also include how the elements of the water right should be partially decreed.

2. The original of this ***Order*** shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this ***Order***.

3. The Special Master shall issue a ***Special Master's Report and Recommendation*** on the matter consistent with ***AOI***.

IT IS SO ORDERED.

DATED March 30, 2004.



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 TO SPECIAL MASTER BRIGETTE BILYEU was mailed on March
30, 2004, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CINDY LAWLOR
GORDON LAWLOR
8690 PARKS RD
POCATELLO, ID 83201
Phone: 208-478-1927

ORDER

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Deputy Clerk