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Department of Water Resources

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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

Water Right Claim 31-11708

ORDER OF REFERENCE TO SPECIAL
MASTER BRIGETTE BILYEU

On October 30, 2001, this Court received correspondence regarding the above-captioned water right claim(s). A copy of the correspondence is attached to this *Order*. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file(s). Where the water right claim(s) was/were previously uncontested, a subcase file was created for the correspondence. Where a partial decree(s) was/were previously entered for the water right claim(s), the partial decree(s) was/were 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(s) 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 correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;
 - b. To determine whether the correspondence complies with *SRBA Administrative Order 1 (AOI)* 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; whether the matter should be dismissed on its face; or to

determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

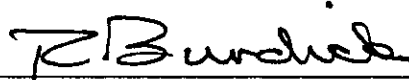
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but 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 *AO1*.

IT IS SO ORDERED.

DATED 10-31-01



ROGER S. BURDICK

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 10-31-01 with sufficient first-class postage to the following:

Boyd Ashcraft
2983 E 2000 N
Sugar City, ID 83448

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk

SRBA Court

253 Third Ave. N.

P.O. Box 2707

Twin Falls, Id

83303

Ph-208-736-3011

2001 OCT 30 AM 11:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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Dear Sirs - This past year since Mr. Ashcraft's death, I have been reviewing all our water rights during the process of changing ownership from his name to mine.

When your letter of May 30, 2001 came about a numbering problem with a stockwater well, I put it aside because of other paperwork deadlines I had plus it being planting season. Now, with harvest over and another paperwork assignment which includes listing all our water rights, I've been made aware again of your letter.

As I tried to find out exactly where this stock water well is located, I have realized that the letters of the legal description have been transposed. Therefore I want to make a motion to set aside the partial decree for water right (new number) 31-11708, (old # 31-01364) and open the way for a water right number for the stockwater well with a legal description setting it in the correct location.

I'm sure when my husband transferred the well from the previous owner, Karl Cook, who drilled the well, he was unaware the legal description was in error.

The "place of use" stated on the W.R. report is

Tract NW, Range 36 E, Sect 32 Tract SWNE
The correct Legal description is:

Tract NW, Range 36 E Section 32 Tract NWSE

priority date: 4/22/1981

Tract NW Decreed

Decreed date 6/24/1998

Quantity: 0.25 CFS b

Diversion rate 0.09 CFS

I realize I still need to change the ~~ownership~~ ^{ownership} ~~get~~ ^{get} from Boyd Ashcraft's name to mine, but if you need me to do anything else to straighten out the location, please let me know.

P.S. The legal description Thank you

stated on the W.R. report Helen J. Ashcraft

puts the well on wife of Boyd Ashcraft

a corner of ground

2983 E 2000 N

owned by our neighbor,

Sugar City, Id

Kenneth Ellis.

- 83448

ph- 208-356-3533