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Department of Water Resources

2002 MAY -7 PM 1:41

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED 4

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

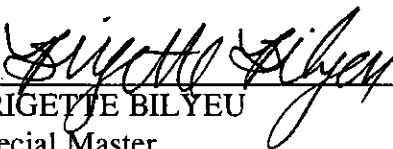
|                |   |                                  |
|----------------|---|----------------------------------|
| In Re SRBA     | ) | Water Right: 31-07030B, 31-07031 |
|                | ) | AND 31-7032                      |
| Case No. 39576 | ) |                                  |
|                | ) | ORDER RECOMMENDING PARTIAL       |
|                | ) | DECREE BE SET ASIDE              |
| _____          | ) |                                  |

On February 22, 2002, a *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for the above water rights. On April 15, 2002, the Court received a letter from Nick Hillman requesting that the *Partial Decree* be set aside and that the period of use be changed to April 1 through November 1.

A hearing was held May 2, 2002. At the hearing, IDWR reported that the claimant was seeking to change the period of use from May 1<sup>st</sup> to April 1<sup>st</sup>. IDWR also reported that these rights had been licensed in the late 1970's. The existing licenses may be important to the final disposition of these subcases. Nevertheless, the Special Master recommended granting the *Motion to set aside*.

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* issued February 22, 2002, for these water rights be set aside and deadlines for Objections and Responses be set to determine whether an Amended Partial Decree should issue. A Status Conference shall be held on June 4, 2002 at 2:00 p.m. to set deadlines for proceeding.

Dated May 7<sup>th</sup>, 2001.

  
\_\_\_\_\_  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

ORDER RECOMMENDING PARTIAL  
DECREE BE SET ASIDE  
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5/7/02

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RECOMMENDING  
PARTIAL DECREE BE SET ASIDE was mailed on May 07, 2002, with  
sufficient first-class postage to the following:

NICK HILLMAN

Represented by:

RAY W. RIGBY

PO BOX 250

REXBURG, ID 83440-0250

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DIRECTOR OF IDWR

PO BOX 83720

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