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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 29-11371

)
) ORDER OF REFERENCE TO SPECIAL
) MASTER BRIGETTE BILYEU
)
)
)

On March 22, 2004, the Court issued a *Partial Decree* for the above water right. At the time of the *Partial Decree*, no objection had been filed to the *Director's Report* for the above right. On April 8, 2004, this Court received a *Standard Form 1/Objection* to the above-captioned water right claim. Because of a Court oversight, the *Objection* has not been acted upon until this time. A copy of the *Objection* and the *Partial Decree* is attached to this *Order*. The water right claim was previously uncontested, so a subcase file was created for the *Objection*. The Idaho Department of Water Resources *Director's Report* is 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 *Objection* and the legal significance of the *Objection*, if any. For example, the Special Master may determine whether the *Objection* 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 *Objection* 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;

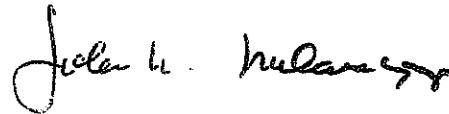
c. If the *Objection* is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes 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 *AOI*.

IT IS SO ORDERED.

DATED February 7 2005.



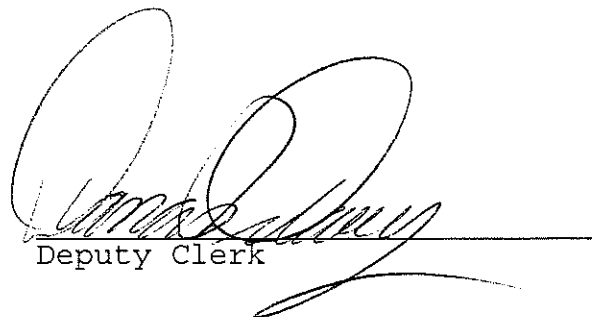
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF
REFERENCE TO SPECIAL MASTER BRIGETTE BILYEU was mailed on February
07, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
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A large, stylized handwritten signature in black ink, likely belonging to the Deputy Clerk, is written over a horizontal line.