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DEPARTMENT OF
WATER RESOURCES

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

2005 FEB 10 AM 10 37

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION ON MOTION
Case No. 39576	)	TO SET ASIDE PARTIAL DECREE
	)	
	)	SUBCASE NOS.: 29-07489A
	)	
_____	)	

On March 22, 2004, a *Partial Decree Pursuant to I.R.C.P. 54(b)* was issued for the above listed water right. On July 22, 2004, the Court received a *Motion to File Amended Notice of Claim* from Diamond T Ranch, LLC. On August 19, 2004, the Court received a *Motion to Set Aside Partial Decree*.

Presiding Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on the request to set aside the *Partial Decree*. A hearing on the *Motion to Set Aside Partial Decree* and the *Motion to File Amended Notice of Claim* was held October 13, 2004.

At the hearing, Diamond T Ranch, LLC identified two water right claims that are related to 29-07489A. Diamond T Ranch, LLC explained that 29-2433 and 29-4277 share an interconnected irrigation system with this right 29-07489A. Therefore, Diamond T Ranch, LLC asked to file an amended claim reflecting the interconnection. The *Amended Claim* was filed, and IDWR investigated the new claim.

An *Amended Director's Report* was filed on November 1, 2004. However, the *Amended Director's Report* made no changes to the original recommendation and was consistent with the *Partial Decree*. An *Objection* was filed by Diamond T Ranch, LLC. A Scheduling Conference was

held on January 26, 2005. At the hearing, Diamond T Ranch, LLC moved to withdraw its *Objection*. There was no opposition to the motion.

THEREFORE, IT IS RECOMMENDED that there be no change to the *Partial Decree* to the above referenced water right issued March 22, 2004. The *Partial Decree* should not be set aside, and no *Amended Partial Decree* should issue.

Dated: February 10, 2005.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

2005 FEB 10 AM 10 37

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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right (s) : 29-07489A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT
AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE
was mailed on FEBRUARY 10, 2005, with sufficient first-class postage prepaid to the
following:

DIRECTOR OF IDWR
PO Box 83720
Boise, Idaho 83720-0098

Diamond T Ranch LLC
Represented by:
Randall C Budge
PO Box 1391
201 E Center, Ste A2
Pocatello, Idaho 83204-1391


Deputy Clerk