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Department of Water Resources

2005 JUL -7 PM 4:00
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	)	Water Right Claim 37-10273
	)	
Case No. 39576	)	ORDER OF REFERENCE TO SPECIAL
	)	MASTER BRIGETTE BILYEU

On July 5, 2005, this Court received correspondence for the Idaho Department of Water Resources regarding the above-captioned water right claim. 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. Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a partial decree was previously entered for the water right claim, the partial decree 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 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;

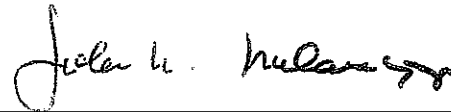
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes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

IT IS SO ORDERED.

DATED July 7, 2005.



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

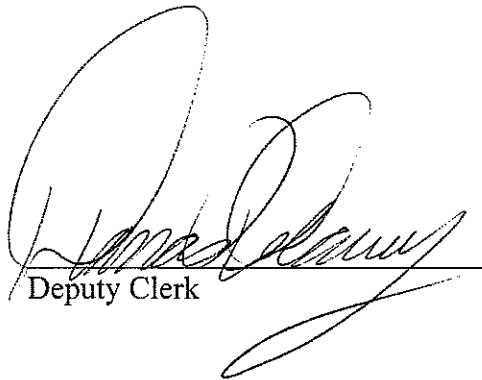
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER BILYEU was mailed on July 7, 2005, with sufficient first-class postage to the following:

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

Susan P Perin
PO Box 2338
Sun Valley, ID 83353-2338

James P. Speck
PO Box 987
Ketchum, ID 83340



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

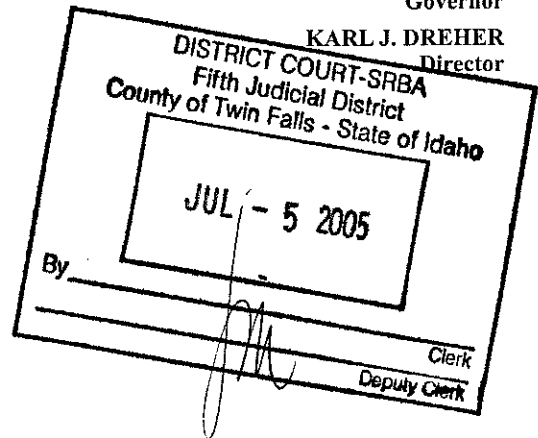
DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 30, 2005

DIANA DELANEY
SRBA DISTRICT COURT
PO BOX 2707
TWIN FALLS ID 83303-2707

RE: Snake River Basin Adjudication (SRBA)
Request to Set Aside Partial Decree #37-10273



Dear Diana,

Jim Speck's office contacted us on June 23, 2005, with a request from their clients, Stephen and Jane Ware, to set aside this partial decree because the property is located in Blaine County vs. Gooding County. Would you please issue an amended partial decree with the correct county?

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:state

Enclosure

cc: N. Spencer
J. Speck

06/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-10273
NAME AND ADDRESS: SUSAN P PERIN
PO BOX 2338
SUN VALLEY ID 83353-2338

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1942

POINT OF
DIVERSION: T01S R20E S20 NWNWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T01S R20E S20 NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO
LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
PARCEL NO. RP01S20020200A