

RECEIVED

AUG 23 2005
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 22 2005	
By _____	Clerk
_____	Deputy Clerk

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	)	SUBCASE: 36-16315
	)	
Case No. 39576	)	ORDER OF REFERENCE APPOINTING
_____	)	THEODORE R. BOOTH SPECIAL MASTER

On May 26, 2005, George Bohr (Claimant) filed a *Standard Form 4, Motion to File Late Notice of Claim* in the above-captioned subcase. A hearing on the Motion was held on August 16, 2005. Mr. Bohr appeared at the hearing, *pro se*. No Party to the SRBA filed an objection or appeared in opposition to the Motion. Following a review of the file and after hearing the comments of the Claimant, the Court determines that subcase 36-16315 should be referred to a Special Master for further review.

THEREFORE, IT IS ORDERED that Theodore R. Booth is appointed as special master for the subcase 36-16315 for the purpose of recommending to the Court whether the subject late claim should be granted, and shall proceed under ***SRBA Administrative Order 1***.

Special Master Booth is instructed to make findings regarding the "good cause" standard for filing a late claim as required by ***SRBA Administrative Order 1*** § 4.d(2)(d), including whether the Claimant has demonstrated an excuse for the untimely filing of the subject late claim and whether the claim is based upon a meritorious position. Additionally, the Special Master is instructed to determine the likelihood that other parties to the SRBA will be prejudiced by the granting of the late claim. The Court places emphasis on the element of prejudice because the originally reported irrigation and other purposes water rights in Basin 36 have substantially all been litigated and decreed. A new late claim on a fully decreed source potentially puts parties with rights on the same source in the position of re-litigating issues that have already been

decided or settled through negotiations, or in the position of addressing new issues that should have been properly raised at the time the source of the subject claim was initially reported and litigated.

Special Master Booth shall set proceedings in conformity with *SRBA Administrative Order 1*, section 9, notwithstanding the provisions of I.R.C.P. 53(d)(1), and exercise the power to regulate all proceedings in every hearing and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this Order.

IT IS SO ORDERED.

DATED August 17, 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 APPOINTING THEODORE R. BOOTH SPECIAL MASTER was mailed on August 22, 2005, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GEORGE BOHR
3091 S 1200 E
HAGERMAN, ID 83332
Phone: 208-250-5850

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.