

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

2005 OCT 7 AM 11 58

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
Case No. 39576	)	MOTION TO SET ASIDE PARTIAL
	)	DECREE
_____	)	WATER RIGHT NO.: 31-02389

I. PROCEDURAL BACKGROUND

A *Motion to Set Aside Partial Decree* was filed by Diane Savage Valcarce on August 8, 2005. The presiding Judge John M. Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on September 19, 2005. A hearing was held on October 5, 2005. At the hearing, Ms. Valcarce informed the court that there may not be a need to set aside the *Partial Decree*. Ms. Valcarce stated that she wished to withdraw the *Motion*. There was no opposition to the withdrawal of the *Motion*.

III. FINDINGS AND CONCLUSIONS

Therefore, IT IS ORDERED that Diane Savage Valcarce be allowed to withdraw the *Motion to Set Aside Partial Decree*. The *Motion* is **denied without prejudice**.

THEREFORE, IT IS RECOMMENDED that there be no changes to the *Partial Decree* issued February 22, 2002. No *Amended Partial Decree* should issue.

DATED October 7, 2005.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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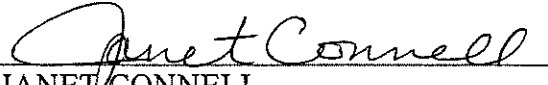
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right (s) : 31-02389

On October 7, 2005, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE for the above subcase (s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 7, 2005.


JANET CONNELL
Deputy Clerk

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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) : 31-02389

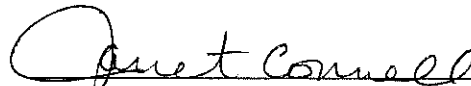
CERTIFICATE OF MAILING

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 October 7, 2005, with sufficient first-class postage prepaid to the
following:

Director of IDWR
PO Box 83720
Boise, Idaho 83720-0098

Neal W Savage
HC 69 Box 1110
Hamer, Idaho 83425

Diane Savage Valcarce
1719 Hargis Hill
Willard, UT 84340


Deputy Clerk