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DEPARTMENT OF
WATER RESOURCES

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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

Case No. 39576

)
)
) ORDER OF REFERENCE TO SPECIAL
) MASTER BRIGETTE BILYEU
)
) For Water Right Claims: 23-10212 &
) 23-00056C

On June 13, 2005, Claimant Richard Harvey filed a *Motion to File Late Notice of Claim* for the above water rights. On October 17, 2005, a hearing was held on the *Motion*, and Mr. Harvey appeared. No other parties appeared to oppose the *Motion*.

The Notice of Claim Forms attached to the *Motion* states that the Claims are based on a former decree. Basin 23 was reported in June 2004, and it is unclear to this Court whether anyone would be prejudiced by these late claims, or whether the claims are meritorious. Specifically, the Court questions whether all of the water decreed under the former decree has already been claimed in Basin 23.

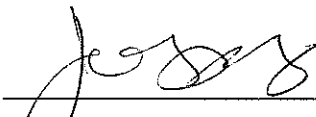
Therefore, **IT IS ORDERED** that the matter be referred to Special Master **Brigette Bilyeu** to determine:

1.) Whether prejudice to any other claimant in Basin 23 would result from the granting of this late claim; and

2.) Whether the late claim has merit.

Following an investigation of these issues, the Special Master shall issue a report to Court as to whether the above late claim should be granted.

Dated: October 20 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 October
21, 2005, with sufficient first-class postage to the following:

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