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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 TERRENCE A. DOLAN

)
) For Water Right Claim: 45-13968
)

On July 11, 2005, Claimant Cindy Qualls-Kelley filed a *Motion to File Late Notice of Claim* for the above water right. On October 17, 2005, a hearing was held on the *Motion*, and Ms. Qualls-Kelly appeared. No other parties appeared to oppose the *Motion*.

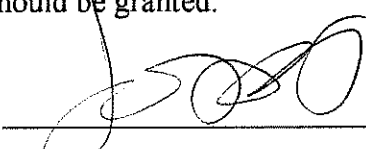
The Notice of Claim Form attached to the *Motion* states that the Claim is based on a former decree. Basin 45 was reported last year, and it is unclear to this Court whether anyone would be prejudiced by this late claim, or whether the claim is meritorious. Specifically, the Court questions whether all of the water decreed under the former decree has already been claimed in Basin 45.

Therefore, **IT IS ORDERED** that the matter be referred to Special Master Terrence A. Dolan to determine:

- 1.) Whether prejudice to any other claimant in Basin 45 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.



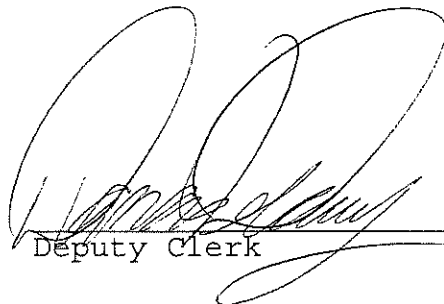
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER TERRENCE A. DOLAN was mailed on October 21, 2005, with sufficient first-class postage to the following:

CINDY QUALLS-KELLEY
PO BOX 193
OAKLEY, ID 83346
Phone: 208-312-2927

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

A large, stylized handwritten signature in black ink, likely belonging to Terrence A. Dolan, is written over a horizontal line. The signature is fluid and cursive, with the first letter being a large capital 'T'.