

2006 JAN 10 AM 11 32

late claims.

The Amys also represented that a hydropower project known as the Amy Ranch Hydropower Project was constructed and has been in continuous operation since January of 1987. Water relating to the hydropower project has apparently been used since 1987.

The Idaho Department of Water Resources reported that the late claim would be for hydropower, a non-consumptive use which is generally subordinated to irrigation uses in the area. In addition, these claims have relatively junior priority dates. IDWR reported that there would likely be no prejudice to other claimants in the SRBA if these late claims were granted.

There was no opposition to the *Motion for Late Claim*.

II. CONCLUSIONS OF LAW

Based on IDWR's report and the facts asserted in the *Standard Form 4/Late Notice of Claim*, this Special Master concludes that the Amys have asserted "good cause" for the untimeliness of the filing of these claims and have asserted a "meritorious position" as to these claims. In addition it is unlikely that other claimants in the SRBA and in Basin 33 would be prejudiced by the filing of these late claims. It is anticipated that IDWR will include these water claims in its annual *Director's Report* for late claims. When the *Director's Report* for these water claims is filed, the claimant and other parties will have an opportunity to object.

THEREFORE, IT IS RECOMMENDED that the *Motion to File Late Notice of Claim* be **granted** for water claims 33-07159 and 33-07093.

DATED: January 10, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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

2006 JAN 10 AM 11 32

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right (s) : 33-7093, 33-7159

On January 10, 2006, Special Master BRIGETTE BILYEU issued a
RECOMMENDATION REGARDING PREJUDICE ON MOTION TO FILE LATE
CLAIM 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 January 10, 2006.


JANET CONNELL
Deputy Clerk

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

2006 JAN 10 AM 11 32

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) : 33-7093 and 33-7159

CERTIFICATE OF MAILING

I certify that a true and correct copy of the RECOMMENDATION
REGARDING "PREJUDICE" ON MOTION TO FILE LATE CLAIM was mailed on
January 10, 2006, with sufficient first-class postage prepaid to the following:

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

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Represented by:
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Deputy Clerk