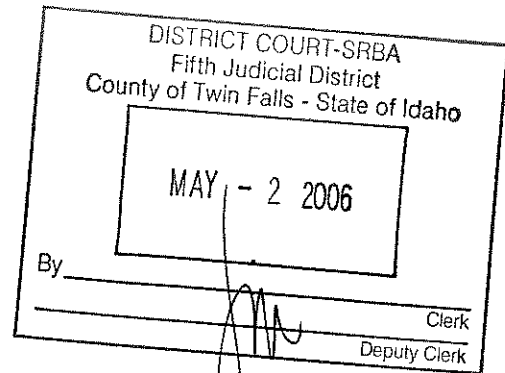


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DEPARTMENT OF
WATER RESOURCES



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 APPOINTING
) BRIGETTE BILYEU SPECIAL MASTER
) FOR FURTHER PROCEEDINGS ON
) MOTION TO FILE LATE CLAIM
)

) For Water Right Claim: 29-13726
)

This matter came before this Court pursuant to a *Motion to File a Late Claim*, heard on April 18, 2006. The Claimant, Jed R. Van Kampen appeared *pro se*. No party filed an objection or appeared in opposition to the *Motion*. Following a review of the file and after hearing the comments made by the Claimant in open court, the Court finds that the Claimant has demonstrated an excuse for the untimely filing of the subject late claim and a meritorious position; both of which are elements of the "good cause" standard for filing a late claim as required by *SRBA Administrative Order 1 (AOI)* 4.d.(2)(d) and I.R.C.P. 55(c). However, the element of prejudice to other parties, if any, that may arise by the late claim was not addressed. The Court places emphasis on this element because the originally reported irrigation and other purposes water rights in Basin 29 have substantially all been litigated and decreed. In addition the source for the claim is tributary to the Portneuf River. 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 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. Additionally, a comprehensive agreement was previously entered into involving a significant number of water rights on the Portneuf River. The Claimant was unable to explain if the late claim would have any impact on that settlement.

The Court also notes that the *Motion* also names overlapping water right claims 29-00170, 29-00171, 29-12063 and 29-12064, which have all been previously decreed.

Therefore, THE FOLLOWING ARE HEREBY ORDERED;

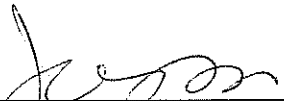
This matter is referred to Special Master Brigitte Bilyeu for further proceedings to determine the degree of prejudice, if any, to other parties on the same claimed source. If the Special Master finds no such prejudice, then to recommend to this Court that the late claim be granted.

The Special master should also determine whether the *Motion* was also intended to apply to the above-mentioned decreed rights. If not then recommend that *Motion* to dismiss as to those rights. If so then grant leave to allow Claimant to file proper motions to amend partial decrees.

Special Master Bilyeu shall set proceedings in conformity with *AOI*, 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 her duties under this *Order*.

IT IS SO ORDERED.

DATED: May 1, 2006



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 BRIGETTE BILYEU SPECIAL MASTER FOR FURTHER PROCEEDINGS ON MOTION TO FILE LATE CLAIM was mailed on May 02, 2006, with sufficient first-class postage to the following:

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A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.