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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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
Case No. 39576	)	ON MOTION TO SET ASIDE
	)	PARTIAL DECREE
	)	
	)	WATER RIGHT NO.: 23-04000
_____	)	

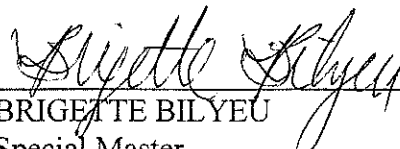
I. PROCEDURAL HISTORY

A *Motion to Set Aside Partial Decree* was filed by Wayne Leasing LLC, on June 9, 2006. The SRBA District Court issued an *Order of Reference Appointing Special Master Brigitte Bilyeu* on June 13, 2006. Hearings were held on August 30, 2006 and November 8, 2006. At the hearing held on November 8, 2006, counsel for the claimant, Scott P. Eskelson moved to withdraw the *Motion to Set Aside Partial Decree*. No parties to the SRBA opposed the *Withdrawal*. This Special Master ordered the *Motion* was withdrawn with prejudice.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that there be no change to the *Partial Decree* issued on February 12, 1999. The *Partial Decree* for 23-04000 should not be set aside, and no *Amended Partial Decree* should issue.

Dated: November 14, 2006.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

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In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right (s) : 23-04000

On November 14, 2006, 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: November 14, 2006.


JANET CONNELL
Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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) : 23-04000

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 November 14, 2006, with sufficient first-class postage prepaid to the following:

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

Wayne Leasing LLC
Represented by:
Scott P. Eskelson
425 S Holmes Ave
PO Box 3189
Idaho Falls, Idaho 83403-3189

Dora B Daniels
PO Box 183
Irwin, Idaho 83428


Deputy Clerk