

RECEIVED

FEB 09 2007

DEPARTMENT OF
WATER RESOURCES

2

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 8 2007	
By <u>RS</u>	Clerk
	Deputy Clerk

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	) Subcases 41-8B & 41-13B (James Juan
	) Spillet),
Case No. 39576	) 41-8E, 41-13C & 41-10230 (James V. &
	) Robert R. Spillet)
	) and 41-13A (KBC Farms, LLC)
	)
	) SPECIAL MASTER REPORT

Findings of Fact¹

On February 2, 2007, parties to the above 6 subcases, plus parties to 3 other related subcases, and IDWR filed with the SRBA Court an *Amended Settlement Agreement* and *Addendum*, dated October, 2006.² The *Agreement* was signed by the following:

James Juan Spillet – 41-8B & 41-13B
Kelvin and Suzanne Taysom – 41-8C,
KBC Farms, LLC (formerly R. Scott Weston³) – 41-8D & 41-13A
Robert R. and James V. Spillet – 41-8E, 41-13C & 41-10230
7UD Ranches – 41-8F
Bench Ditch Irrigation Company – respondent in subcases 41-8B & 41-13B.

¹ For a full history of the above 6 claims plus the other 3 related claims, see *Special Master Report and Recommendation on Motions to Set Aside Partial Decrees*, entered April 29, 2002, in subcases 41-8E, 41-13A, 41-13C and 41-10230; *Special Master Report and Recommendation*, entered May 2, 2005, in subcases 41-8C, 41-8D and 41-8F; *Order Denying 7UD Ranches' Motion to Alter or Amend*, entered July 29, 2005, in subcases 41-8C, 41-8D and 41-8F; and SRBA Presiding Judge John M. Melanson's February 2, 2006 *Memorandum Decision and Order on Challenge* and *Order of Further Proceedings in Related Subcase 41-8B* entered in subcases 41-8C, 41-8D and 41-8F.

² The 31 pages of documents were first recorded as instrument #190921, Power County, Idaho, 2007-01-24, 02:26:57.

³ On February 7, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* in subcases 41-8D and 41-13A for a substitution of party from R. Scott Weston to KBC Farms, LLC.

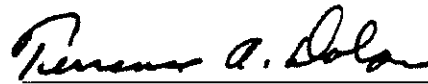
Partial Decrees were entered for claims 41-8C, 41-8D, 41-8E, 41-8F, 41-13C and 41-10230 without objection on July 28, 2000, and *Amended Partial Decrees* were entered on March 12, 2001. Claim 41-13A was decreed disallowed on July 31, 2000. These water rights are located in the Adshead Ditch. The *Partial Decrees* in subcases 41-8E, 41-13A, 41-13C and 41-10230 were set aside on July 3, 2002; hence, the above 6 subcases await decrees to wrap up all of the 9 related claims.

The parties to the *Agreement* are claimants of water rights recommended and / or decreed with diversion points along the Adshead and/or Jackson Ditches on the South Fork of Rock Creek, Power County, Idaho. They agreed to withdraw their objections and responses in exchange for entry of partial decrees as described in Attachments A through F of the *Agreement* and certain other arrangements, all with IDWR's concurrence.

Conclusions of Law

James Juan Spillett (41-8B & 41-13B), James V. and Robert R. Spillett (41-8E, 41-13C & 41-10230) and KBC Farms, LLC (41-13A) are entitled to partial decrees adjudicating water rights as described in Attachments A through F to the *Amended Settlement Agreement* and *Addendum* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 41-8B, 41-8E, 41-13A, 41-13B, 41-13C and 41-10230*.

DATED February 8, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SREA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 8 2007
By _____ Clerk _____ Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 41-00008B

NAME AND ADDRESS: JAMES JUAN SPILLETT
P O BOX 278
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.53 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF DIVERSION: T10S R31E S20 NENWSW Within Power County
S29 SWSENW
S33 NENENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.53 CFS

PLACE OF USE: Irrigation Within Power County
T10S R31E S20 NWNW 2.0 SWNW 24.0
NWSW 24.0
50.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 41-00013B, 41-10258 &
41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50
ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

[Signature]
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-00008E

FEB 8 2007

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: JAMES V SPILLETT
ROBERT R SPILLETT
PO BOX 144
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.355 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 10/01/1879

POINT OF DIVERSION: T10S R31E S33 NENENW Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.355 CFS

PLACE OF USE: Irrigation Within Power County
T10S R31E S29 NWNE 22.5 NENW 20.5
43.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 41-10230 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-00013A

FEB 8 2007

By _____

NAME AND ADDRESS: KBC FARMS LLC
3062 S FRONTAGE RD
AMERICAN FALLS, ID 83211

SOURCE: SOUTH FORK ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION: T10S R31E S29 SWNENW Within Power County
S33 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS

PLACE OF USE: Irrigation Within Power County
T10S R31E S20 NESW 9.3 SESW 26.7
36.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
FEB 8 2007
By _____ Clerk _____ Deputy Clerk

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 41-00013B

NAME AND ADDRESS: JAMES JUAN SPILLETT
P O BOX 278
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION: T10S R31E S20 NENWSW Within Power County
 S29 SWSENW
 S33 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R31E S20	NWNW 2.0 SWNW 24.0
		NWSW 24.0
	50.0 Acres Total	

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 41-00008B, 41-10258 &
41-10259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50
ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

[Signature]
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 8 2007

By _____ Clerk

Deputy Clerk

In Re SRBA) PARTIAL DECREE PURSUANT TO
)
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-00013C

SOURCE: SOUTH FORK ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 0.20 CFS

PRIORITY DATE: 05/01/1881

PURPOSE AND

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 41-8E & 41-10230.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

[Signature]
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 41-10230

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB 8 2007	
By _____	Clerk
_____	Deputy Clerk

NAME AND ADDRESS: JAMES V SPILLETT
ROBERT R SPILLETT
PO BOX 144
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 1.00 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 04/01/1909

POINT OF DIVERSION: T10S R31E S33 NENENW Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R31E S29	NWNE 22.5
	43.0 Acres Total	NENW 20.5

USE OF THIS RIGHT WITH RIGHT NO. 41-00008E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 43.0 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

FEB 8 2007

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ***SPECIAL MASTER REPORT*** was mailed on February 8, 2007, with sufficient first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

James Juan Spillet
Represented by:
Jason Walker
615 H St
PO Box 396
Rupert, ID 83350-0396

7UD Ranches
Represented by:
Scott J. Smith
201 East Center St
Pocatello, ID 83201

James Robinson
Bench Ditch Irrigation CO
PO Box 157
Rockland, ID 83271

James Juan Spillet
PO Box 278
Rockland, ID 83271

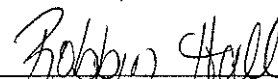
James V Spillet
Robert R Spillet
PO Box 144
Rockland, ID 83271

Klaren Koompin
3065 S Frontage Rd
American Falls, ID 83211
(208) 226-7924

KBC Farms LLC
3062 S Frontage Rd
American Falls, ID 83211

Kelvin & Suzanne Taysom
PO Box 309
Rockland, ID 83271

Scott R. Weston
4448 Rockland Hwy
Rockland, ID 83271


Deputy Clerk

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

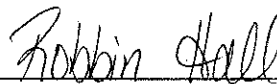
Water Right(s): 41-00008B
41-00008E 41-00013A 41-00013B
41-00013C 41-10230

On February 08, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION 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 February 08, 2007.



ROBBIN HALL
Deputy Clerk