

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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.” *Order of Reference* (Subcase No. 34-13811) (October 28, 2003) The water right at issue is in Basin 29. It is, therefore, important to determine whether allowing a late claim would prejudice existing water rights in basin 29.

The Idaho Department of Water Resources reported that this water claim is on Bannock Creek, tributary to the Snake River. IDWR explained that this water right is not affected by the *Portneuf River Settlement Agreement* entered into by numerous parties in Basin 29. In addition, the late claim asserts a 1940 priority date which is relatively junior compared to many other claims in the area. IDWR states that it is unlikely this late claim would cause prejudice to other parties in basin 29.

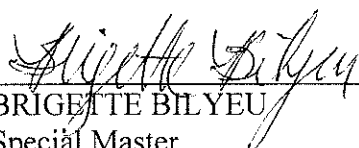
III. FINDINGS AND CONCLUSIONS

Based on IDWR’s report, this Special Master concludes that prejudice to other parties in the SRBA and in Basin 29 is unlikely given that this water claim is on Bannock Creek, tributary to the Snake River, is not affected by the *Portneuf River Settlement Agreement*, and that the claimed priority is relatively junior.

IDWR reported that this water right will be included in its annual *Director’s Report for Late Claims*. When the *Director’s Report* is filed, the claimant will have an opportunity to object if necessary.

Therefore, IT IS RECOMMENDED that the *Motion to File Late Notice of Claim* be **granted** for water right 29-13764.

Dated: February 14, 2007.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

2007 FEB 14 AM 9: 21

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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

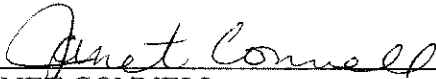
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
	)	Water Right (s) : 29-13764

On February 14, 2007, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION 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: February 14, 2007.



JANET CONNELL
Deputy Clerk

2007 FEB 14 AM 9: 21

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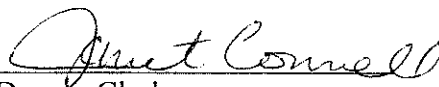
In Re SRBA)
)
Case No. 39576)
)
Water Right (s) : 29-13764

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND
RECOMMENDATION ON MOTION TO FILE LATE CLAIM was mailed on February
14, 2007, with sufficient first-class postage prepaid to the following:

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

Barry T. & Valorie Williams
1277 Mink Creek Rd.
Arbon, Idaho 83212


Deputy Clerk