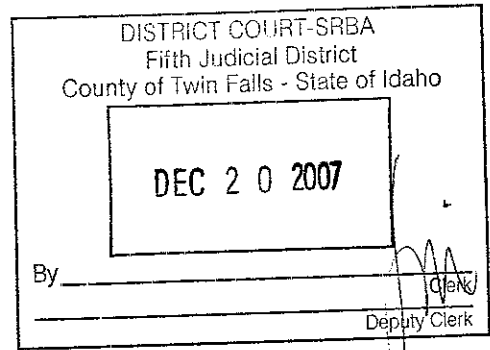




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**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(s): 23-00011C**

This matter came before this Court pursuant to a *Motion to File a Late Claim*, heard December 18, 2007. Representatives of the claimant appeared on behalf of the claimant, with the Court's instruction that an attorney would be necessary to proceed further if the claim was contested. No party filed an objection or appeared in opposition to the *Motion*. Following a review of the file and after hearing the comments made in open court, the Court finds that the claimant has demonstrated an excuse for the untimely filing of the subject late claim(s) 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 question of prejudice to other parties, if any, that may arise by the late claim(s) was not specifically resolved. The subject late claim is based on a prior decree. As such, for purposes of this proceeding, it needs to be determined whether sufficient unclaimed water exists under the prior decree to satisfy the instant claim.

**THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:**

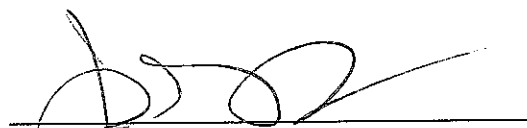
This matter is referred to Special Master Brigitte Bilyeu for further proceedings to determine the degree of prejudice, if any, to other parties on the same claimed source. If the

Special Master finds no such prejudice, then to recommend to this Court that the late claim be granted.

The Special Master 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 his duties under this **Order**.

IT IS SO ORDERED.

DATED: 12/20/07

  
\_\_\_\_\_  
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 December 20, 2007, with sufficient first-class postage to the following:

LONE CEDAR LAND & CATTLE LLC  
C/O GRANT FREARSON  
PO BOX 202  
IRWIN, ID 83428  
Phone: 208-569-4107

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

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