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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 25 2008	
By _____	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	)	ORDER OF REFERENCE APPOINTING
	)	BRIGETTE BILYEU SPECIAL MASTER
Case No. 39576	)	FOR FURTHER PROCEEDINGS ON
	)	MOTION TO FILE LATE CLAIM
	)	
	)	For Water Right Claim(s): 27-12180
_____	)	

This matter came before this Court pursuant to a *Motion to File a Late Notice of Claim*, heard November 18, 2008. 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. This is a Basin 27 claim based on a beneficial use. At present, there is a motion before the Special Master in Basin 27 to set a deadline to cut off late claims in Basin 27, as a result of administration issues regarding the Fort Hall Water Users Agreement.

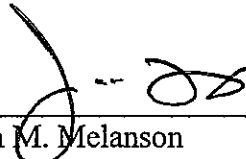
THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

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 or her duties under this *Order*.

IT IS SO ORDERED.

DATED: Nov. 25, 2008



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 November 25, 2008, with sufficient first-class postage to the following:

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