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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 22 2008	
By _____	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

SUBCASE: 21-04140

Case No. 39576

ORDER OF RECOMMITMENT TO SPECIAL
MASTER BRIGETTE BILYEU

A *Master's Report and Recommendation* was issued for this water right on March 31, 2008. Several months later, a *Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim* was filed. The procedural history of this subcase is somewhat unique in that the basis for seeking to amend the claim was not discovered until some time after *Motions to Alter or Amend* would ordinarily be due. It appears that the claimant discovered that the total volume which can be stored in the pond known as "Blue Lake" is greater than that calculated previously. The correct volume is critical to a determination of both the volume of this right and the volume which will be assigned to a permit for the additional storage volume based on the increased height of the dam after 1994.

Due to the unusual procedural history of this right, the subcase and *Motion to Set Aside SF5 and Special Master's Report and Motion to File Amended Notice of Claim* are recommitted to Special Master Brigitte Bilyeu for further review consistent with the terms of the *Order of Reference Appointing Brigitte Bilyeu as Special Master for Irrigation and Other Claims in Reporting Area 17, Basin 21*, filed April 11, 2006.

DATED December 22, 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 RECOMMITMENT TO SPECIAL MASTER BRIGETTE BILYEU was mailed on December 22, 2008, with sufficient first-class postage to the following:

EAGLE RIDGE RANCH LLC

Represented by:

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