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DEPARTMENT OF
WATER RESOURCES

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

JAN - 8 2009

By

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 Nos.: See Attached Exhibit A
	)	
Case No. 39576	)	ORDER OF REFERENCE APPOINTING
	)	SPECIAL MASTER BRIGETTE BILYEU
	)	
	)	

On November 18, 2008, this Court received correspondence from the Idaho Department of Water Resources (IDWR) concerning a need to correct the recommendations for a number of water right recommendations in Basin 27. A review of court files found that Partial Decrees have already been issued for some of the water rights identified by IDWR. These rights are listed on the Attached Exhibit A. Because these claims may implicate matters that are currently pending in Basin 27 before the Special Master, the court finds it appropriate to refer the matter of the corrections back to the Special Master.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Brigitte Bilyeu is appointed Special Master to preside over the above-captioned water right claims for the following purposes:

a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a *Partial Decree* pursuant to I.R.C.P. 60(b), etc.;

b. To determine whether the correspondence complies with *SRBA Administrative Order 1 (AOI)* and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow parties to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be dismissed on its face; or to determine

whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

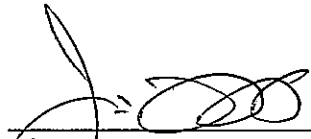
c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a *Partial Decree* should be set aside or amended, the recommendation should not only include that the *Partial Decree* be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED January 8th, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

27-04011	27-12111
27-04057	27-12112
27-04075	27-12113
27-04126	27-12127
27-11344	27-12128
27-11367	27-12129
27-11448	27-12130
27-11892	27-12131
27-11901	27-12132
27-11954	27-12133
27-11955	27-12134
27-11956	27-12135
27-11960	27-12144
27-11967	27-12145
27-11998	27-12150
27-11999	
27-12010	
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27-12098	
27-12100	
27-12110	

(Subcase list: B27REFERBB)

1/02/09

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING SPECIAL MASTER BRIGETTE BILYEU was mailed on January 08, 2009, with sufficient first-class postage to the following:

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