

DEPARTMENT OF
WATER RESOURCES

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

MAR 17 2009

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	)	ORDER ON MOTION TO REOPEN
	)	SUBCASES AND SETTING STATUS
Case No. 39576	)	CONFERENCE
	)	
	)	SUBCASE NO.: 37-2545A, 37-2545B,
	)	37-2688, 37-7072, 37-7600, AND 37-11950

I. PROCEDURAL BACKGROUND

Partial Decrees were issued for water right numbers 37-7072, and 37-7600 on December 11, 2002. On September 29, 2006, *Partial Decrees* were issued for water right numbers 37-2545A, 37-2545B, 37-2688 and 37-11950. On September 11, 2008, a *Motion to Reopen Subcases* was filed by Lava Lake Land and Livestock LLC. On September 11, 2008, Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu*. A hearing was held on the *Motion* on March 4, 2009.

II. STANDARD OF REVIEW

In support of the *Motion*, Lava Lake Land and Livestock LLC explained that the *Partial Decrees* do not decree these rights with the correct elements. The Idaho Department of Water Resources reported that the *Partial Decrees* do not reflect the way these water rights have been used historically, nor do the *Partial Decrees* reflect the way the rights are currently used. No parties to the SRBA opposed the *Motion*.

III. FINDINGS

There was no opposition to the *Motion*. Therefore, the *Motion to reopen subcases* is **granted**. Lava Lake Land and Livestock LLC has also asked that the *Partial Decrees* for these rights be set aside. The Special Master will rule on that *Motion* when the *Special Master's Report and Recommendation* is issued at the conclusion of the proceedings. This Special Master presumes

without deciding, that sufficient grounds exist to support setting aside these *Partial Decrees*.

IT IS ORDERED that the following deadline shall govern further proceedings:

August 26, 2009

10:30 am

Status Conference

Location: Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

Parties may participate by telephone for the Status Conference by dialing 1-225-383-1099 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the Clerk's office at (208) 736-3011.

Dated: March 17, 2009.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ON MOTION TO REOPEN SUBCASES AND SETTING STATUS CONFERENCE was mailed on March 17, 2009, with sufficient first-class postage to the following:

LAVA LAKE LAND & LIVESTOCK LLC

Represented by:
CHARLES L. HONSINGER
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

STATE OF IDAHO

Represented by:
DAVID J. BARBER
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098