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MAR 25 2009

Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 24 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; REOPENING
	)	SUBCASES AND SETTING SUBCASE
	)	DEADLINES
Case No. 39576	)	
	)	SUBCASE NOS.: 37-563 and 37-564
	)	
	)	
	)	

I. PROCEDURAL BACKGROUND

Partial Decrees were issued for water right numbers 37-563 and 37-564 on September 26, 2006. A *Motion to Set Aside Partial Decree* and *Motion to File Late Objection* were filed by Lita West, on November 14, 2007. Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu*. A hearing was held on the *Motions* on March 11, 2009. There was no opposition to the *Motions*.

II. DISCUSSION

In support of the *Motions*, Lita West explained that these two water rights are used in combination with several other water rights on the same place of use. Water right 37-3565 was reported in Basin 37 part III, and a timely *Objection* was filed. However, 37-563, and 37-564 were filed in Basin 37 part I. The separation of these rights into different *Director's Reports* was confusing, and lead to the rights being incorrectly decreed. No parties to the SRBA opposed the *Motion*.

III. FINDINGS

There was no opposition to the *Motion*. Therefore, these subcases shall be reopened and the *Motion for Late Objection* is **granted**. Lita West 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 deadlines shall govern further proceedings:

April 28, 2009 **5:00 pm**

Deadline to file Response

August 26, 2009 **2:30 pm**

Status Conference

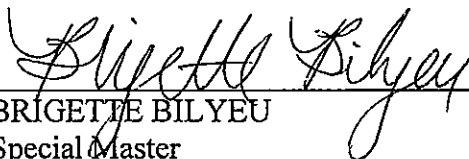
Location: Snake River Basin Adjudication

253 3rd Ave. North

Twin Falls, Idaho 83301

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

Dated March 23, 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; REOPENING SUBCASES AND SETTING SUBCASE DEADLINES was mailed on March 24, 2009, with sufficient first-class postage to the following:

LITA WEST

Represented by:
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