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DEPARTMENT OF
WATER RESOURCES

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

APR 28 2009

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

Case No. 39576

) ORDER OF REFERENCE APPOINTING
) BRIGETTE BILYEU SPECIAL MASTER
) FOR FURTHER PROCEEDINGS ON
) MOTION TO FILE LATE CLAIM

) For Water Right Claims: 29-4443, 29-4444, and
) 29-4445

This matter came before this Court pursuant to a *Motion to File Late Notice of Claim*, heard April 21, 2009. 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 claims 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 claims was not specifically resolved. First, these claims are located in Basin 29, which is a completed basin. Further, the source for two of the claims is the Portneuf River, which is subject to a Comprehensive Settlement 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: April 27, 2009



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 SPCIAL MASTER FOR FURTHER PROCEEDINGS ON MOTION TO FILE LATE CLAIM was mailed on April 28, 2009, with sufficient first-class postage to the following:

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