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DEPARTMENT OF
WATER RESOURCES

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

JUL 23 2009

By

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Deputy Clerk

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: 27-12194 and 27-
) 12195

This matter came before this Court pursuant to a *Motion to File Late Notice of Claim*, heard July 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 further proceedings on the *Motion* are necessary. It appears that the claimant had previously filed claims for these same rights claiming a different purpose of use (irrigation). The claims were recommended and ultimately decreed disallowed. The claimant has now re-filed the claims for stockwater.

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

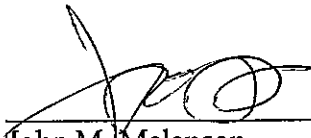
This matter is referred to Special Master Brigitte Bilyeu for further proceedings to determine if the previous *Partial Decrees* issued for these rights should be set aside. If the Special Master rules that the *Partial Decrees* should be set aside, the Special Master shall also determine if the claimant should file amended claims with the correct purpose of use (stockwater). In the event the Special Master rules that the *Partial Decrees* shall not be set aside, the Special Master shall then determine if the current *Motion to File Late Notices of Claim* should be denied or re-filed.

If the Special Master determines that the claimants shall re-file their late notices of claim, the Special Master shall then determine if the filing of such late claims would violate her December 12, 2008 *Order of Final Deadline for Late Claims in Basin 27*.

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: July 22, 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 SPECIAL MASTER FOR FURTHER PROCEEDINGS ON MOTION TO FILE LATE CLAIM was mailed on July 23, 2009, with sufficient first-class postage to the following:

BEAR LAKE GRAZING CO
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ORDER

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Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".