

RECEIVED

NOV 27 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
NOV 25 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

Case No. 39576

) SUBCASES: 47-04177B and 47-04177E
)
)
)
)
)

ORDER RESCINDING ORDER OF
REFERENCE TO SPECIAL MASTER
BOOTH AND ORDER OF REFERENCE
APPOINTING SPECIAL MASTER BILYEU

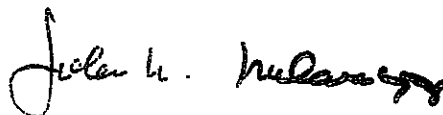
The above-captioned water right claims were included in the general *Order of Reference* appointing Theodore Booth as special master for all contested claims in reported in the *Director's Report for Irrigation and Other Uses* filed February 2, 2007. On November 23, 2009, Special Master Booth disqualified himself from proceeding in the above-captioned subcases. The *Order of Reference* is therefore rescinded as to the above-captioned subcase and Brigitte Bilyeu is appointed as special master to preside over the subcase and issue reports as set forth in *SRBA Administrative Order 1*.

The Special Master shall have the authority to: Fix the time and conditions for the filing of supplemental pleadings and amendments to pleadings; schedule and hear dispositive and nondispositive motions of any party; schedule and conduct all pretrial matters, including pretrial, status and scheduling conferences; issue pretrial orders; schedule and limit the scope of discovery; order the discovery of facts known and opinions held by experts; issue protective orders; issue orders compelling discovery; sanction failure to comply with pretrial, trial-related or post-trial orders; summon witnesses and issue subpoenas; take such evidence as may be introduced or deemed necessary; rule on the admissibility of evidence; call witnesses on behalf of the court; and appoint expert witnesses for the court.

The Special Master shall set proceedings in conformity with *SRBA Administrative Order 1*, 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 the Special Master's duties under this *Order*.

Dated November 25, 2009

A handwritten signature in black ink, appearing to read "John M. Melanson", written over a horizontal line.

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER RESCINDING ORDER OF REFERENCE TO SPECIAL MASTER & ORDER APPOINTING SPECIAL MASTER BILYEU was mailed on November 25, 2009, with sufficient first-class postage to the following:

KAREN SMALLEY
TIM & KAREN SMALLEY
TIM SMALLEY

Represented by:
DANIEL A NEVALA
ARKOOSH LAW OFFICE CHTD
PO BOX 32
GOODING, ID 83330

BRUCE L WALDEN
Represented by:
SCOTT L CAMPBELL
101 S CAPITOL BLVD 10TH FLOOR
PO BOX 829
BOISE, ID 83701-0829
Phone: 208-345-2000

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098