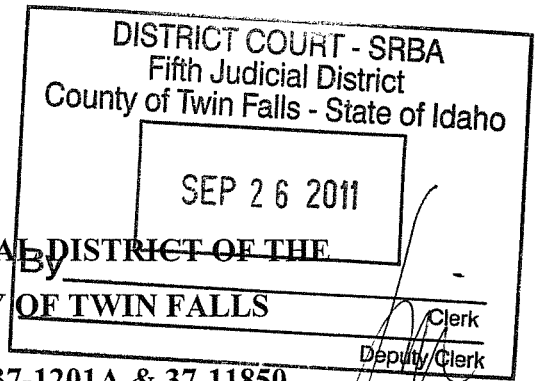


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SEP 27 2011

DEPARTMENT OF
WATER RESOURCES

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

) Subcase Nos: 37-1201A & 37-11850
)
) ORDER OF REFERENCE
) APPOINTING BRIGETTE BILYEU
) AS SPECIAL MASTER
)
)
)

A *Partial Decree* for water right 37-11850 was issued on September 24, 2010. A *Special Master's Report and Recommendation* was filed for water right 37-1201A on March 1, 2011. On September 21, 2011, the Clerk of the Court received correspondence from the Idaho Department of Water Resources, notifying the Court that the *Partial Decree* for water right 37-11850 and the *Special Master's Report and Recommendation* for water right 37-1201A may need to be adjusted with respect to the priority date element.¹ The Department requests that the *Partial Decree* and *Special Master's Report and Recommendation* mentioned above be set aside to allow for the claims for these rights to be amended. It is the Court's understanding that the above-captioned water rights are related to certain other Basin 37 water rights presently pending before Special Master Brigitte Bilyeu. Therefore, this Court finds that this matter should be referred to Special Master Brigitte Bilyeu for further proceedings.

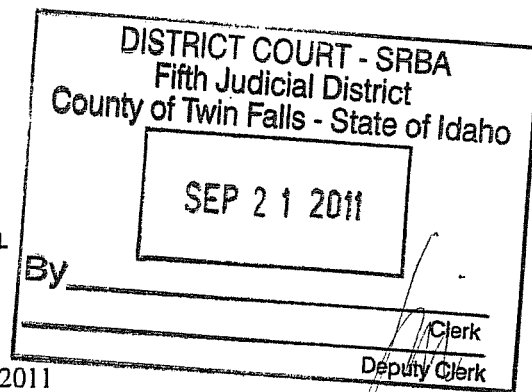
The Special Master shall first determine what *Motions* need to be filed by the claimants of the above-captioned water rights in order to set aside the respective *Special Master's Report and Recommendation* and *Partial Decree* and to give proper notice and an opportunity to be heard to other participants in the SRBA. Thereafter, the Special Master shall conduct all proceedings necessary to issue a recommendation, consistent with *Administrative Order 1* ("AOI"), as to whether those *Motions* should be granted.

¹ A copy of the September 21, 2011 correspondence is attached hereto as Exhibit A.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 21, 2011



Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2720
Twin Falls, ID 83303-2707
VIA FACSIMILE: 208-736-2121

RE: Water Rights on Seaman's Creek

Dear Clerk:

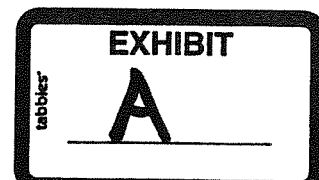
Water right 37-20624, with a claimed source of Seaman's Creek, was recommended for disallowal in the SRBA. The claimant, Harry S. Rinker, filed an objection. While conducting historical research for objection resolution, Robert Williams, representing the claimant, uncovered evidence impacting the recommended priority date of the Rinker right. The information was found to benefit another Seaman's Creek water user, Alvin & Sally Shoemaker, also represented by Mr. Williams. Mr. Williams moved to amend the Seaman's Creek claims of these parties to secure an earlier priority date, and the Court granted his request. In preparation of Amended Director's Reports, closer review of the evidence provided by Mr. Williams indicated the information could also support earlier priority dates for other Seaman's Creek rights, which are held by other water users.

Water right 37-1201A, claimed by Dean and Julie Beaudet, was originally objected to and resolved via SF5. A Special Master's Report and Recommendation was issued on March 1, 2011. The right has not been partially decree yet. Fritz Haemmerle represents the Beaudets.

Water right 37-1201B, claimed by the Gloria Camille McCray 1965 Trust, has not been recommended yet. The claim was not received in time to be included in the Basin 37 Part 3 Director's Report. The Trust is represented by Brian Barsotti.

Water right 37-11850, claimed by Carlita F. Severe-McIver, was recommended, was not objected to, and has moved to partial decree (September 24, 2010). The claimant is currently pro se.

Because of possible injury issues to these three claimants, IDWR was unable to recommend the Rinker (37-20624) and Shoemaker (37-22582) rights with the earlier priority date the evidence would support. Since the filing of the Amended Director's Reports, Mr. Williams has contacted the three other Seaman's Creek claimants and informed them of the situation. All

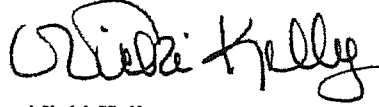


three claimants are interested in pursuing an earlier priority date. Unfortunately, in all three cases, their claims would need amending in order to allow IDWR to recommend an earlier date.

IDWR would like to rectify the situation on Seaman's Creek as cleanly and quickly as possible. Rights 37-20624 and 37-22582 are already before Special Master Bilyeu, who is aware of the situation with the other rights. Would it be possible for the Court to take the necessary steps to refer the three other rights, 37-1201A (Beaudet), 37-1201B (McCray 1965 Trust) and 37-11850 (Severe-McIver) to Special Master Bilyeu for resolution? IDWR understands the Court has no jurisdiction over unreported water right 37-1201B, but IDWR is looking into the possibility of recommending the right in the upcoming fall Late Claim Director's Report.

Should you have any questions, please feel free to contact me at 208-287-4816. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Vicki Kelly". The signature is fluid and cursive, with the first name "Vicki" being more prominent than the last name "Kelly".

Vicki Kelly,
Paralegal

cc: Robert Williams
Fritz Haemmerle
Brian Barsotti
Carlita Severe-McIver

CERTIFICATE OF MAILING

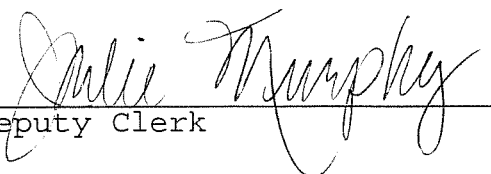
I certify that a true and correct copy of the ORDER OF REFERENCE APPOINTING BRIGETTE BILYEU AS SPECIAL MASTER was mailed on September 26, 2011, with sufficient first-class postage to the following:

DEAN AND JULIE BEAUDET
DEAN BEAUDET
JULIE BEAUDET

Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333
Phone: 208-578-0520

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

CARLITA F SEVERE-MC IVER
330 BAYHORSE RD
BELLEVUE, ID 83313
Phone: 208-788-2165

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.