

RECEIVED
SEP 30 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
SEP 29 2011
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	)	ORDER REGARDING SEAMAN'S
	)	CREEK CLAIMS
	)	
	)	SUBCASE NOS.: 37-1201A and 37-11850
	)	
	)	
	)	

The Idaho Department of Water Resources sent correspondence on September 19, 2011 relating to water claims on Seaman's Creek in Basin 37. IDWR explained that one of the claimants on Seaman's Creek recently discovered possible evidence of an earlier priority date. It is IDWR's policy that if all the claimants on Seaman's Creek could be entitled to an earlier priority, then all such claimants should have an opportunity to request the earlier date.

IDWR identified water right 37-1201A claimed by Dean and Julie Beaudet, water right 37-1201B claimed by the Gloria Camille McCray 1965 Trust, and water right 37-11850 claimed by Carlita F. Severe-McIver. These water rights could benefit from the same evidence regarding the earlier priority. However, a *Partial Decree* was previously issued for 37-11850, and a *Special Master's Report and Recommendation* was filed for 37-1201A. The court notes that 37-1201B has not been recommended yet.

Therefore, Judge Eric Wildman issued an *Order of Reference* asking this Special Master to hold a hearing to determine whether parties need to file motions to set aside the *Partial Decrees* or *Special Master's Report and Recommendation*. It appears that the claimants may need to make a *Motion to Set Aside Partial Decree* for 37-11850 and a *Motion to Amend or Set Aside the Special Master's Report and Recommendation* for 37-1201A. In addition, IDWR notes that Amended Claims would need to be filed in both subcases.

THEREFORE, a hearing shall be held on October 12, 2011 to determine whether the
ORDER REGARDING CLAIMS
S:/BASIN FOLDERS/37ORDERS/1201A.11850.ORDR.REGARD.CLAIMS.SET.STATUS
9/29/11

claimants Dean and Julie Beaudet and Carlita F. Severe-McIver wish to pursue motions to set aside the *Partial Decree* and *Special Master's Report and Recommendation* and to file Amended Claims.

Please be advised that Special Master Brigitte Bilyeu has set the following date in the above subcases:

October 12, 2011

1:30 pm

Status Conference regarding Claims

Location: Snake River Basin Adjudication

253 3rd Ave. North

Twin Falls, Idaho 83301

Parties may participate by phone for the Status Conference by dialing 1-215-446-0193 and when prompted enter participant code 926509. Any questions regarding telephone participation, please contact the clerk's office at (208)736-3011.

Dated: September 29, 2011.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER REGARDING SEAMAN'S CREEK CLAIMS was mailed on September 29, 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