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AUG 10 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG - 9 2012
By _____
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

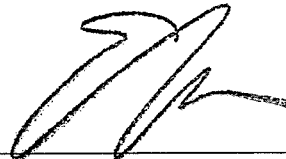
SUBCASES: 37-01244, 37-04389 & 37-07861

ORDER OF REFERENCE APPOINTING
SPECIAL MASTER BRIGETTE BILYEU

On September 29, 2006, a **Partial Decree** was issued for water right 37-01244. On September 21, 2006, a **Partial Decree** was issued for water right 37-04389. On October 29, 2010, a **Partial Decree** was issued for water right 37-0781. On August 9, 2012, Jim Mecham filed a *Motion to Set Aside Partial Decrees* for said water rights.

Therefore, IT IS ORDERED that Special Master Brigitte Bilyeu be appointed to preside over the above-captioned *Motion* and conduct all proceedings necessary to issue a recommendation consistent with AO1, and the authority previously conferred in the **Order of Reference for Basin 37**, as to the *Motion* and to the underlying merits as to how the **Partial Decrees** should be amended, if it is determined that said **Partial Decrees** should be set aside or amended.

Dated: August 9, 2012.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

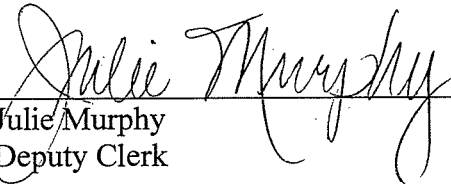
I hereby certify that true and correct copies of the **MOTION TO SET ASIDE PARTIAL DECREES and ORDER OF REFERENCE APPOINTING SPECIAL MASTER BRIGETTE BILYEU** were mailed on August 9, 2012 by first-class mail to the following:

James W. Mecham
PO Box 3119
Twin Falls, ID 83301-3119

DIRECTOR OF IDWR
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Environment & Natural Resources Division
550 W Fort St, MSC 033
Boise, ID 83724



Julie Murphy
Deputy Clerk

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

August 7, 2012

AUG - 9 2012

Dear Adjudication Judge:

In 1979 a class action lawsuit regarding Stoddard Creek Spring was concluded. The decreed amount for us was for .714 cfs for the irrigation season and .3 for winter use (Nov. 1 to Mar. 15).

By

Clerk
Deputy Clerk

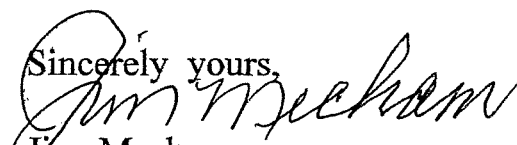
We had four rental units and applied for permits for domestic water for them and for livestock from that source (license #37- 7756 .18 cfs). We also developed fish ponds and hydro electric plants from the Stoddard Spring source. (permit #37-7861) All said uses were inspected for completion and approved by Gerald Martin in the 1987. .539 cfs of that .714 cfs is required to maintain a head for the #1 power plant and .18 cfs of domestic use leaves precious little left over for irrigation of 2 or 3 acres (.157 cfs) from that source. At times, Irrigation robs electric output and vice versa. So be it. We juggle. (granted, we also have Idaho Power & 2.5 kw output from our #2 plant).

Our problem is that belated permit 37-7861 has been "tied" to and "limited" with our permits for irrigation #37-1244 and #37-4389 (previously adjudicated) which were given a "combined limited" irrigation use of .714 cfs .

The unfortunate effect of that "tying" was to include fish & power in said limitation. Which effectively denies water for fish and power and renders #37-7861 useless. (case #39576 subcase 37-7861 8/2/2010 page 3)

We are appealing the court to allow our full decreed .714 cfs from Stoddard Creek Spring as per our filing, development, and compliance labors. I **really wish** you would "untie" (separate) Lower Waddington #37-4389 with .5 cfs (amount as per director's report 1/25/2007) from our Stoddard Spring rights (37-1244, 37-7756, & 37-7861) and leave **those** tied and limited to .714 cfs. Please set them aside and let us hope for a better resolution.

Sincerely yours,


Jim Mecham