

RECEIVED

MAY 30 2003

Department of Water Resources

2003 MAY 28 PM 3:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 ) Subcase 43-00091  
Case No. 39576 ) (Hall)  
 )  
 ) 2<sup>nd</sup> SPECIAL MASTER REPORT  
 )

---

**Findings of Fact**

On June 28, 2002, former-Presiding Judge Roger Burdick entered a *Partial Decree* in subcase 43-00091 adjudicating to Leonard and Pearl Hall, P.O. Box 652 / 654, Malta, Idaho, 83342, a water right for .4 cfs from Cassia Creek to irrigate 36 acres in Cassia County from March 15 to November 15 with a priority date of April 1, 1894. On November 21, 2002, Bud Tracy, the Halls' son-in-law, wrote to the SRBA Court asking to amend 43-00091 "so that the point of use can be changed from 36 acres to 40 acres." The same date, Mr. Tracy filed a *Motion to File Amended Notice of Claim* stating the amendment was required because the water right "was not fully claimed" based on a settlement conference with IDWR held on November 14, 2002.

On November 22, 2002, Presiding Judge Roger S. Burdick entered an *Order of Reference to Special Master Terrence A. Dolan* to determine the intended purpose and legal significance of the correspondence. The Special Master entered a *Report and Recommendation* on January 17, 2003, recommending that the *Partial Decree* be set aside and the subcase be referred back for further proceedings on Ms. Hall's pending *Motions to File Amended Notices of Claims* in subcases 43-00091 and 43-00092. The Presiding Judge entered an *Order Setting Aside Partial Decree* on March 19, 2003.

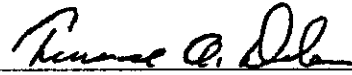
On April 15, 2003, the Special Master entered an *Order Granting Motions to File Amended Notices of Claims* in subcases 43-00091 and 43-00092 and on April 23, 2003, IDWR

filed its *Amended Director's Report, Subcase Nos. 43-91 and 43-92*. No one objected to the *Amended Director's Report*.

#### **Conclusions of Law**

Leonard and Pearl Hall are entitled to a partial decree adjudicating a water right under claim 43-00091 as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00091*.

DATED May 28, 2003.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 43-00091

2003 MAY 28 PM 3:17

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS: LEONARD E HALL  
PO BOX 652  
MALTA, ID 83342

PEARL HALL  
PO BOX 654  
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S23 NWSWNE Within Cassia County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.40 CFS |

PLACE OF USE: Irrigation Within Cassia County  
T13S R26E S14 SESE 40.0  
40.0 Acres Total

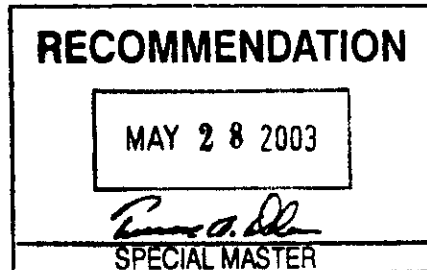
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-91 & 43-92

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

2003 MAY 28 PM 3:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 43-00091

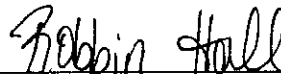
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 28, 2003, with sufficient first-class postage prepaid to the following:

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

LEONARD E HALL  
PO BOX 652  
MALTA, ID 83342  
Phone: 208-645-2531

PEARL HALL  
PO BOX 654  
MALTA, ID 83342  
Phone: 208-645-2531

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/28/03

2003 MAY 28 PM 3:17

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

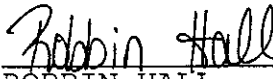
Water Right(s): 43-00091

On May 28, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 28, 2003.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk