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Department of Water Resources

2003 MAY 28 PM 3:16

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 43-00092

) (Hall)

Case No. 39576

)

) SPECIAL MASTER REPORT

Findings of Fact

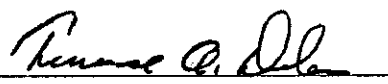
On May 16, 1989, Leonard and Pearl Hall, P.O. Box 652 / 654, Malta, Idaho, 83342, filed a *Notice of Claim to a Water Right* under 43-00092 claiming .4 cfs from Cassia Creek to irrigate an unspecified number of acres in Cassia County from April 1 to October 31 with a priority date of November 15, 1886, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim as filed, but noted: "Claim incomplete." On February 5, 2002, Bud Tracy, the Halls' son-in-law, filed an *Objection* stating: "Unaware of incomplete claim."

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 43-00092 as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00092*.

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

2003 MAY 28 PM 3:16

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00092

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: 11/15/1886

POINT OF DIVERSION: T13S R26E S23 NWSWNE Within Cassia County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	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

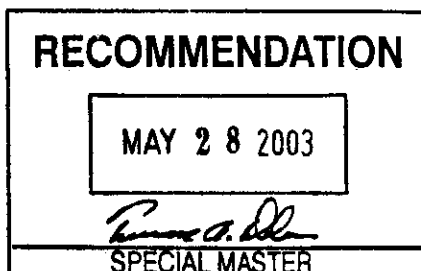
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-91 & 43-92

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

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-00092

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

BUD TRACY
BOX 654
MALTA, ID 83342
Phone: 208-645-2211

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

CERTIFICATE OF MAILING

Robbin Hall
ROBBIN HALL
Deputy Clerk

PAGE 1
05/28/03

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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

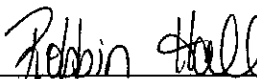
Water Right(s): 43-00092

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