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Department of Water Resources

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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(s): 43-2474

Case No. 39576

)

) ORDER OF REFERENCE TO SPECIAL

) MASTER TERRENCE A. DOLAN

On July 17, 2002, this Court received correspondence regarding the above-captioned water right claim(s). A copy of the correspondence is attached to this *Order*. The original of the correspondence was file stamped, docketed as received, and lodged in the subcase file(s). Where the water right claim(s) was/were previously uncontested, a subcase file was created for the correspondence. Where a partial decree(s) was/were previously entered for the water right claim(s), the partial decree(s) was/were also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That TERRENCE A. DOLAN is appointed Special Master to preside over the above-captioned water right claim(s) for the following purposes:

a. To determine the intended purpose of the correspondence and the legal significance of the correspondence, if any. For example, the Special Master may determine whether the correspondence constitutes a motion to correct a clerical error pursuant to I.R.C.P. 60(a), or a motion to set aside a partial decree pursuant to I.R.C.P. 60(b), etc.;

b. To determine whether the correspondence complies with *SRBA Administrative Order 1 (AO1)* and the Idaho Rules of Civil Procedure or whether additional time should be granted to allow the party to file an appropriate motion with the Special Master and/or to obtain counsel in the matter; whether the matter should be

dismissed on its face; or to determine whether the matter would be more appropriately processed administratively through the Idaho Department of Water Resources;

c. If the correspondence is ultimately deemed a sufficient motion, or in the event a new motion is filed in compliance with the applicable rule(s), the Special Master shall conduct all proceedings necessary to issue a recommendation as to the underlying merits. For example, if the Special Master concludes a partial decree should be set aside or amended, the recommendation should not only include that the partial decree be amended or set aside, but should also include how the elements of the water right should be partially decreed.

2. The original of this *Order* shall be placed in the subcase file and the file transferred to the Special Master for proceedings consistent with this *Order*.

3. The Special Master shall issue a *Special Master's Report and Recommendation* on the matter consistent with *AOI*.

IT IS SO ORDERED.

DATED July 17, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER OF REFERENCE TO SPECIAL MASTER TERRENCE A. DOLAN** was mailed on July 17, 2002, with sufficient first-class postage to the following:

Robert Ward
c/o Steve R. Ward
PO Box 1580
Elba, ID 83326

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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


Deputy Clerk

July 15, 2002

Steve R. Ward
2850 South Narrows Rd.
Res: (208) 824-5575
Off: (208) 436-1111

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DISTRICT COURT-SRBA
TWIN FALLS CO IDAHO
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Clerk Of The Court
P.O Box 2707
Twin Falls, ID 83303-2707

Clerk Of The Court,

I, Steve Ward, of Almo, Idaho, would like to petition to set aside the Partial Decree done on June 28, 2002, #43-2474.

My father's, Robert Ward's place, was originally licensed for 110 acres with 1.63 F.G.S. on June 3, 1959, when his father, Wesley Ward, owned it.

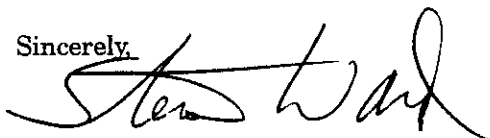
In 1989, my dad filed a claim on only 60 acres of the 110 he was licensed for. In November, 2000, Vickie Hancock called my dad to inquire why only 60 acres. According to aerial maps, it showed more irrigation, and they changed it to 86.9.

After talking with my father, I see that he clearly misunderstood what was going on, and that he needed to claim and file on the 110 acres. He was thinking only of the acres under sprinklers. He did not understand he should have filed on all the ground we use and irrigate, and always have, depending on the year and the amount of water available.

Through working with Vickie on another matter, we discovered this problem. I believe we fall under the IRCP Rule 60A, by my father neglecting to report the correct amount of land we now farm, due to his lack of understanding exactly what he was reporting. I am now leasing the ranch from my father and would like to have the entire 110 acres under decree.

Thank you for your help on this matter.

Sincerely,



Steve R. Ward