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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS, 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 43-02474
) (Ward)
Case No. 39576)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings Of Fact

On June 28, 2002, Presiding Judge Roger Burdick entered a *Partial Decree* to Robert and Nancy Ward, P.O. Box 1580, Elba, Idaho 83326, for 1.63 cfs from groundwater to irrigate 86.9 acres from April 1 to October 31 with a priority date of June 3, 1959. On July 17, 2002, Steve R. Ward, the claimants' son who now leases the land, wrote to the Court asking that the *Partial Decree* be set aside because his parents claimed only 60 acres of irrigated land and IDWR recommended 86.9 acres. Mr. Ward wrote that his parents misunderstood the nature of the claim and should have claimed 110 acres – the number of acres under license.

On July 17, 2002, the Presiding Judge entered an *Order of Reference to Special Master Terrence A. Dolan*. On August 20, 2002, the Wards filed a *Motion to File Amended Notice of Claim* asking to increase the irrigated acreage from 86.9 acres to 110 acres and to add a second point of diversion (well).

A hearing was held by telephone on September 3, 2002. Steve Ward spoke for his parents and Candice M. McHugh appeared for IDWR. Ms. McHugh agreed that the *Partial Decree* needs to be set aside so that additional acreage can be added to the place of use. However, she was not certain whether an additional place of use would be appropriate.

Conclusions of Law

Robert and Nancy Ward have shown good cause to have the *Partial Decree* set aside to correct the number of acres actually irrigated under license.

Recommendation

THEREFORE, IT IS RECOMMENDED that:

1. The *Partial Decree* be set aside, and
2. The Wards' *Motion to File Amended Notice of Claim* be granted so that IDWR may file an amended director's report for the amended claim.

DATED September 4, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

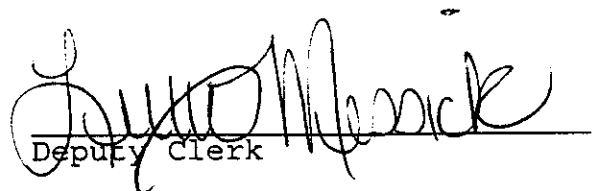
I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATIONN was mailed on September 04, 2002, with sufficient first-class postage to the following:

NANCY WARD
BOX 1580
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ROBERT W WARD
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Phone: 208-824-5589

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

STEVE R. WARD
2850 S NARROWS RD
MALTA, ID 83342
Phone: 208-824-5575

A handwritten signature in black ink, appearing to read "Lynn M. Mack", is written over a horizontal line. The signature is stylized and cursive.