

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2006 DEC 1 PM 3 31

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	)	Water Right Claims 45-574, 45-575, 45-576,
	)	45-618, 45-2658
Case No. 39576	)	
_____	)	ORDER OF REFERENCE TO SPECIAL MASTER TERRENCE A. DOLAN

On November 29, 2006, this Court received correspondence regarding the possible errors in the *Partial Decrees* for the above-captioned water right claims. 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. Where the water right claim was previously uncontested, a subcase file was created for the correspondence. Where a partial decree was previously entered for the water right claim, the partial decree was also included in the subcase file.

THE FOLLOWING ARE HEREBY ORDERED:

1. That Terrence Dolan is appointed Special Master to preside over the above-captioned water right claim 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 (AOI)* 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 December 1, 2006



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

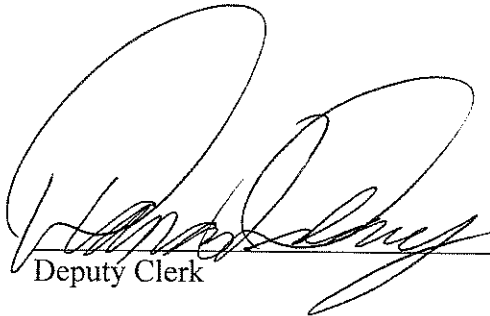
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF REFERENCE TO SPECIAL MASTER DOLAN was mailed on December 4, 2006, with sufficient first-class postage to the following:

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

Leroy Fairchild
84 E Basin Rd
Oakley, ID 83346

Harold Martin
Anne Martin
72 E Basin Rd
Oakley, ID 83346



Deputy Clerk

RECEIVED

DEC 06 2006

DEPT. OF
LAND

November 27, 2006

6/20
5/6/05
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

Snake River Adjudication Court
253 3rd Ave. North
Twin Falls, ID 83301

2006 NOV 29 AM 11 58

To Whom It May Concern,

I Leroy Fairchild request that Partial Decrees 45-574, 45-575, 45-576, 45-618, and 45-2658 in the name of Harold and Anne Martin be set aside due to the reason that I retained a portion of the place of use and all of the spring known as Fairchild Spring when the north $\frac{3}{4}$ of the NE/SW Sec. 33 T. 13SR. 23E was sold to the Martins in 1995.

According to IDWR a letter was sent to me regarding the change of water right ownership that was filed in 2002 by the Martins in reference to the water right ownership purchased by Martins in 1995; however, I never received said letter because of problems with the mail delivery that was occurring in Oakley at the time. Therefore, I was never aware that all of these claims went entirely to the Martins until a few months ago.

I would appreciate any help in resolving this matter that you can give.

Sincerely,



Leroy Fairchild

Le Roy Fairchild
84 E Basin Rd.
Oakley, ID 83346

Snake River Basin
253 3rd ave
Twin Falls,