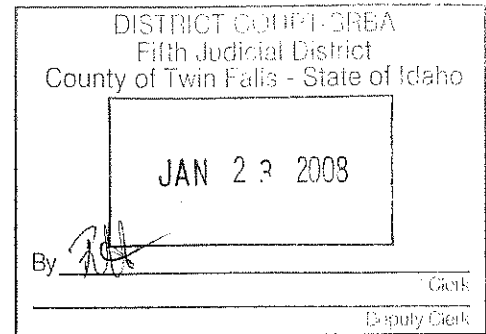




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase 75-10481
Case No. 39576) (Parde)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

Findings of Fact

On October 18, 2007, SRBA Presiding Judge John M. Melanson entered an *Order of Reference Appointing Special Master Terrence A. Dolan* in the above subcase “as to the *Motion* [Dennis and Janoa Parde’s *Motion to Set Aside Partial Decree*] and to the underlying merits as to how the *Partial Decree* should be amended, if it is determined that said *Partial Decree* should be set aside or amended.”¹

A hearing on the Pardes’ *Motion* was held by telephone on January 17, 2008. Janoa Parde appeared *pro se* and Garrick L. Baxter appeared for IDWR. Mr. Baxter noted that the domestic place of use, the Pardes’ home, was claimed and partially decreed in § 25, SW¼ SW¼. But Ms. Parde said that was where the old house was located, the one that burned down some years back. Their current home is located in § 35, NE¼ NE¼ where the domestic place of use should be described. They only recently became aware of the error.

Mr. Baxter suggested the best solution here is for the Special Master to recommend the Presiding Judge do the following: 1) set aside the *Partial Decree*, 2) grant a motion to amend the Pardes’ claimed place of domestic use; 3) set a deadline 45 days out for IDWR to file its recommendation concerning the Pardes’ amended claim;

¹ A *Partial Decree* in subcase 75-10481 was entered on October 25, 2002, awarding to Dennis and Janoa Parde, P.O. Box 612, Salmon, Idaho, 83467, .04 cfs from springs for year-round domestic and stockwater uses in Lemhi County with a priority date of June 1, 1903.

and finally 4) if no objections are filed, enter an amended partial decree correcting the domestic place of use. With that in mind, Ms. Parde verbally moved to amend their claimed domestic place of use from § 25, SW¼ SW¼ to § 35, NE¼ NE¼.

Conclusions of Law

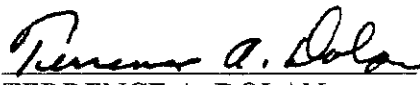
The Pardes have shown good cause to have the *Partial Decree* set aside and amended.

Recommendations

THEREFORE, IT IS RECOMMENDED that:

1. The Pardes' *Motion to Set Aside Partial Decree* in subcase 75-10481 be **granted**;
2. The Pardes' verbal motion to amend their claimed place of use be **granted**;
3. A deadline for IDWR to file its recommendation concerning the Pardes' amended claim be set 45 days after entry of the Court's order; and
4. If no objections to IDWR's recommendation concerning the Pardes' amended claim are filed, then entry of an amended partial decree correcting the domestic place of use.

DATED January 23, 2008.

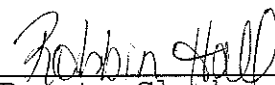

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on January 23, 2008, with sufficient first-class postage to the following:

DENNIS DEAN PARDE
JANOA T PARDE
PO BOX 612
SALMON, ID 83467

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


Deputy Clerk