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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 24 2009	
By _____	Clerk
_____	Deputy Clerk

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 75-10102
	)	(Jackson)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION and
	)	ORDER SETTING STATUS
	)	CONFERENCE

Findings of Fact

On September 15, 2000, former SRBA Presiding Judge Barry Wood entered a *Partial Decree* awarding to Grant Davis and Mary McFarland a water right to .05 cfs from groundwater for year-'round domestic use in Lemhi County with a priority date of March 18, 1948. On June 3, 2009, Dean and Peggy Jackson, 50 Summer Meadow Lane, Salmon, Idaho, 83467, wrote a letter to Court ("Re: Change of Ownership") stating IDWR advised them of a clerical error in the decreed place of use. The Jacksons requested the *Partial Decree* be set aside and corrected.

On June 3, 2009, SRBA Presiding Judge John M. Melanson entered an *Order of Reference Appointing Special Master Terrence A. Dolan* "to issue a recommendation . . . as 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."

A hearing on the Jacksons' motion to set aside the *Partial Decree* was held by telephone on July 23, 2009. The Jacksons did not appear, but Garrick L. Baxter appeared for IDWR, along with Monica Van Bussum and Suzy Cooley-Denney. IDWR noted that the motion was at IDWR's suggestion and agreed to investigate the alleged error.

Conclusions of Law

The new owners have shown good cause to have the *Partial Decree* set aside so that IDWR can further investigate and recommend the water right.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside. That done, IDWR has agreed to submit its recommendation of the water right no later than August 31, 2009, followed by an objection deadline of September 28, 2009.

Order

THEREFORE, IT IS ORDERED that if the *Partial Decree* is set aside, a status conference will be held on **Thursday, October 15, 2009, 10:30 a.m.** The claimants and IDWR may participate by telephone by dialing 1-225-383-1099 and when prompted, entering the code 654400.

DATED July 24, 2009.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication