

RECEIVED

AUG 11 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 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 75-10132
	)	(Hanson/Ingram)
	)	
Case No. 39576	)	SPECIAL MASTER REPORT
_____	)	AND RECOMMENDATION

Findings of Fact

On September 15, 2000, former SRBA Presiding Judge Barry Wood entered a *Partial Decree* for water right 75-10132 to David and Ruth Hanson for .04 cfs from groundwater for year-round domestic use in Lemhi County with a priority date of June 7, 1972. Current owner Wallace Ingram, 333 Flatrock Lane, Holly Springs, North Carolina, 27540, wrote a letter to the Court on February 9, 2009, stating there was a clerical error in the legal description in the point of diversion and place of use. The error was first discovered late last year when Mr. Ingram petitioned IDWR for a change of ownership and was advised to ask the Court to amend the *Partial Decree*.

SRBA Presiding Judge John M. Melanson entered an *Order of Reference Appointing Special Master Terrence A. Dolan* on February 9, 2009, "to issue a recommendation . . . as to the *Motion* 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."

A hearing on Mr. Ingram's *Motion* was held by telephone on July 30, 2009. Mr. Ingram appeared *pro se* and Garrick L. Baxter appeared for IDWR, along with Monica Van Bussum and Suzy Cooley-Denney. Mr. Baxter agreed there was an error in transposing the quarter-quarter descriptions.

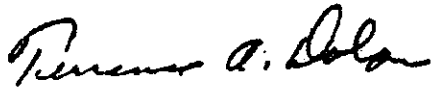
Conclusions of Law

Mr. Ingram has shown good cause to have the *Partial Decree* set aside and amended to correct the error in legal descriptions. That done, Mr. Ingram will be able to continue his application for a change in ownership with IDWR.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and amended as described in the attached proposed *Amended Partial Decree* for water right 75-10132.

DATED August 10, 2009.



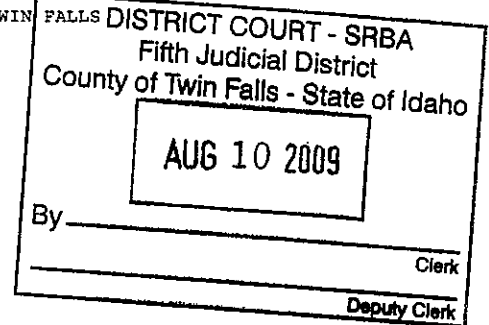
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 75-10132



NAME AND ADDRESS: DAVID C HANSON
RUTH MARY HANSON
PO BOX 77
GIBBONSVILLE, ID 83463

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/07/1972

POINT OF DIVERSION: T25N R21E S11 SWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Lemhi County
T25N R21E S11 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

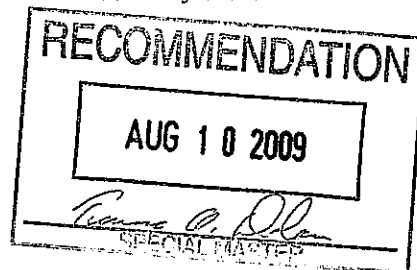
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

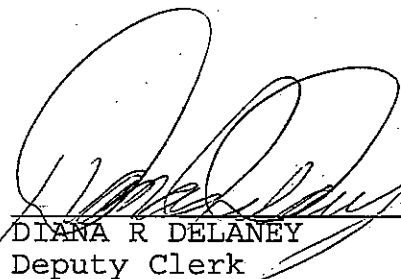
Water Right(s): 75-10132

On August 10, 2009, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 10, 2009.



DIANA R DELANEY
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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 75-10132

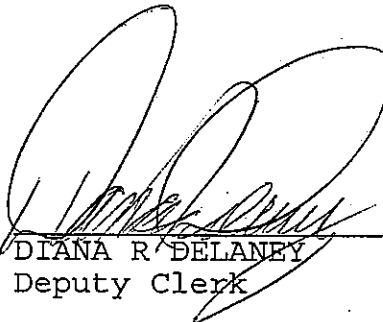
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 10, 2009, with sufficient first-class postage prepaid to the following:

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

DAVID C HANSON
RUTH MARY HANSON
PO BOX 77
GIBBONSVILLE, ID 83463
Phone: 208-865-2281

WALLACE INGRAM
333 FLATROCK LN
HOLLY SPRINGS, NC 27540
Phone: 919-232-1761



DIANA R. DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/10/09