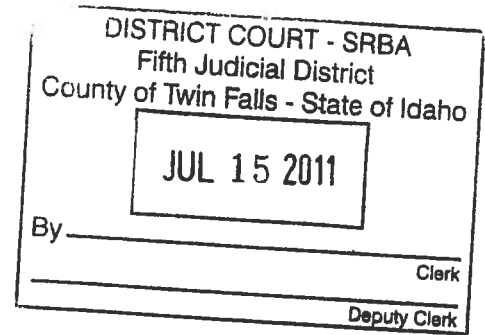


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JUL 18 2011

DEPARTMENT OF
WATER RESOURCES



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 75-10130
	)	(Hull)
	)	
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* in the above subcase to Jared and Miriam Ferrell for .06 cfs from groundwater for year-round domestic and stockwater uses in Lemhi County with a priority date of September 15, 1989. On June 1, 2011, Daryl and Patricia Hull, 15 Blaze Tree Trail, North Fork, Idaho, 83466, wrote a letter to the Court requesting the *Partial Decree* be set aside and amended to correct the point of diversion and place of use. The Hulls bought the property from the Ferrells in 2003. On June 1, 2011, SRBA Presiding Judge Eric J. Wildman entered an *Order of Reference* to determine the underlying merits of the Hulls' motion as to how it should be amended.

A hearing on the Hulls' motion was held by telephone conference on June 30, 2011. Daryl Hull appeared *pro se*, along with Miriam Ferrell, and Andrea L. Courtney appeared for IDWR, along with Craig Saxton and Suzy Cooley-Denney. On July 13, 2011, Ms. Courtney contacted the Court to say the Hulls and IDWR agreed on a correction and attached a proposed partial decree to correct the error.

Conclusions of Law

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

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* in subcase 75-10130 be set aside and amended as described in the attached proposed partial decree.

DATED July 15, 2011.



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10130

NAME AND ADDRESS: DARYL HULL
PATRICIA HULL
15 BLAZE TREE TRAIL
NORTH FORK, ID 83466

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 09/15/1989

POINT OF DIVERSION: T25N R21E S15 NESW 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
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater		Within Lemhi County
	T25N R21E S15	NESW	
	Domestic		Within Lemhi County
	T25N R21E S15	NESW	

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

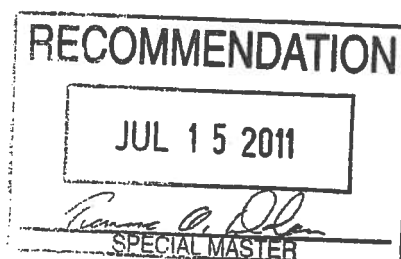
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

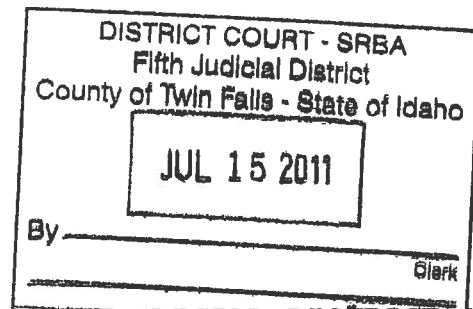
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
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) : 75-10130

On July 15, 2011, 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.

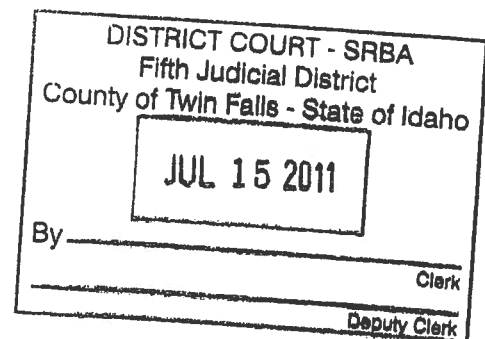
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 July 15, 2011.



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

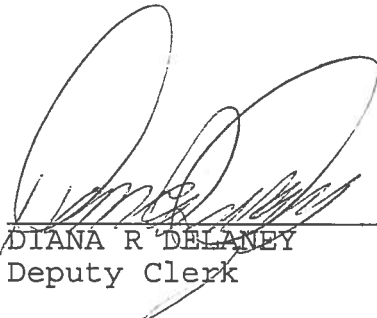
Water Right(s) : 75-10130

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 July 15, 2011, with sufficient first-class postage prepaid to the following:

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

DARYL & PATRICIA HULL
DARYL HULL
PATRICIA HULL
15 BLAZE TREE TRAIL
NORTH FORK, ID 83466



DIANA R. DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/15/11