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Department of Water Resources

2003 JUL 24 PM 3:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

)
) Subcase 43-04173
) (Nicholson)
)
) SPECIAL MASTER REPORT

Findings of Fact

A.E. and Michael Nicholson, 805 3rd Street, Rupert, Idaho, 83350, filed a *Notice of Claim to a Water Right* on May 19, 1989, claiming 6.26 cfs from North, South, Circle and Dry Creeks for year-round stockwater use and for irrigation of 313 acres in Cassia County from April 1 to November 1 with a priority date of April 30, 1879, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7 (IDWR Basin 43)* on September 28, 2001. The Director recommended 43-04173 as claimed, but for 4.64 cfs to irrigate 232 acres from April 1 to October 31 with a priority date of December 31, 1885.

Michael V. Nicholson filed an *Objection* on February 1, 2002, objecting to source and priority date. IDWR filed a *Notice of Completed Administrative Proceeding* on February 11, 2003, for a substitution of party with Michael V. Nicholson as the claimant. On July 22, 2003, Mr. Nicholson and IDWR filed a *Standard Form 5* agreeing to a priority date of October 15, 1882.

Conclusions of Law

Michael V. Nicholson is entitled to a partial decree adjudicating a water right under 43-04173 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04173*.

DATED July 24, 2003.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04173

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: MICHAEL V NICHOLSON
805 3RD ST
RUPERT, ID 83350

SOURCE: CIRCLE CREEK TRIBUTARY: RAFT RIVER
SOUTH CREEK TRIBUTARY: CIRCLE CREEK
DRY CREEK TRIBUTARY: CIRCLE CREEK
NORTH CREEK TRIBUTARY: CIRCLE CREEK

QUANTITY: 4.64 CFS

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

PRIORITY DATE: 10/15/1882

POINT OF DIVERSION: T15S R24E S30 LOT 3 (NWNWSW) Within Cassia County
S31 NWSWNE
LOT 1 (SENWNW)
LOT 2 (NWSWNW)
NWNENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.64 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Cassia County

T15S R24E S30 LOT 4	(SWSW) 15.0	
S31	NENE 18.0	NWNE 30.0
	SWNE 25.0	SENE 34.0
	NENW 37.0	LOT 1 (NWNW) 21.0
LOT 2	(SWNW) 7.6	SENW 15.0
	NESE 0.3	
S32	NWNW 1.1	SWNW 28.0
232.0 Acres Total		

Stockwater Within Cassia County

T15S R24E S30 LOT 3	(NWSW)	LOT 4 (SWSW)
	SESW	
S31	NENE	NWNE
	SWNE	SENE
	NENW	LOT 1 (NWNW)
LOT 2	(SWNW)	SENW
	NESE	
S32	NWNW	SWNW
	NWSW	

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER
DISTRICT 43B.

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

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 43-04173

CERTIFICATE OF MAILING

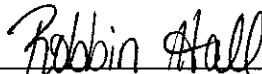
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 24, 2003, with sufficient first-class postage prepaid to the following:

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

MICHAEL V NICHOLSON

Represented by:
WILLIAM T GOODMAN
717 - 7TH STREET
PO BOX D
RUPERT, ID 83350
Phone: 208-436-4774

MICHAEL V NICHOLSON
805 3RD ST
RUPERT, ID 83350


ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

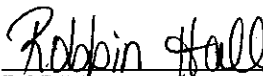
Water Right(s): 43-04173

On July 24, 2003, 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 24, 2003.



ROBBIN HALL
Deputy Clerk