

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED                       
2004 APR 13 PM 3 43

|                |   |                                  |
|----------------|---|----------------------------------|
| In Re SRBA     | ) | <b>SPECIAL MASTER'S REPORT</b>   |
|                | ) |                                  |
| Case No. 39576 | ) | <b>FINDINGS OF FACT AND</b>      |
|                | ) | <b>CONCLUSIONS OF LAW</b>        |
|                | ) |                                  |
|                | ) | <b>FOR WATER RIGHT: 65-03066</b> |

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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 65-03066

NAME AND ADDRESS: ART NELSON  
C/O DAVE POOLE  
PO BOX 35  
OLA, ID 83657

DAVE POOLE  
PO BOX 35  
OLA, ID 83657

SOURCE: LITTLE SQUAW CREEK TRIBUTARY: SQUAW CREEK

QUANTITY: 0.58 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 65-3066 SHALL PROVIDE  
NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.

PRIORITY DATE: 06/01/1879

POINT OF DIVERSION: T10N R02E S31 LOT 2 (SWNW ) Within Gem County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.58 CFS |

PLACE OF USE: Irrigation Within Gem County  
T09N R01E S02 LOT 2 (NWNE) 2.0 SWNE 18.0  
NWSE 7.0  
27.0 Acres Total

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

Basin 65 General Provisions No. 3, the Separate Streams  
General Provision, does not apply to appropriations of water  
after October 18, 1977.

This water right shall be administered as being from a  
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.  
If the holder of this right seeks to change the right pursuant  
to Idaho Code Section 42-222 or successor statute, nothing in  
this general provision shall preclude any other person or entity  
from demonstrating that such change in use would cause injury to  
its water right or from receiving any relief provided by law in  
the event of injury.

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).

RECOMMENDATION

APR 13 2004

  
SPECIAL MASTER

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.

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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

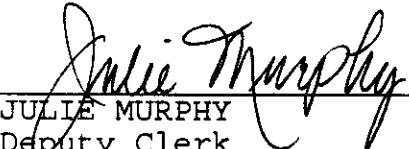
Water Right(s): 65-03066

On April 13, 2004, Special Master THOMAS R CUSHMAN 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 April 13, 2004.

  
\_\_\_\_\_  
JULIE MURPHY  
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): 65-03066

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 April 13, 2004, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA  
Represented by:  
DAVID W GEHLERT  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATRUAL RESOURCE  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

ART NELSON  
C/O DAVE POOLE  
PO BOX 35  
OLA, ID 83657  
Phone: 208-584-3591

CERTIFICATE OF MAILING

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04/13/04

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Phone: 208-584-3591

  
\_\_\_\_\_  
JULIE MURPHY  
Deputy Clerk