

2004 MAY 6 AM 9 08

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT: 65-3175
	)	and 65-3184M

I. FINDINGS OF FACT

A notice of claim was filed for the above listed water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of these water rights.

On June 9, 2000, the United States of America, Bureau of Reclamation filed a *Motion to File Late Objections* in multiple subcases. The Motion was granted on July 28, 2000. The objections were filed to "General Provisions Basin 65 Irrigation & Other Part II (3) Separate Streams Administration." A Show Cause Hearing was held in January 2004, the claimant did not appear at hearing. The United States, Bureau of Reclamation verbally *Motioned* at hearing to have the language added. The *Motion* was **granted** on record.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, and pursuant to the *Granting of the Verbal Motion*, IT IS RECOMMENDED that the above listed water rights be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED May 5, 2004.



THOMAS R. CUSHMAN
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

477
DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED

2004 MAY 6 AM 9 08

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-03175

NAME AND ADDRESS: JAMES P NISULA
P O BOX 639
LAKE FORK, ID 83635

JOYCE NISULA
PO BOX 639
LAKE FORK, ID 83635

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 2.00 CFS

PRIORITY DATE: 08/31/1908

POINT OF DIVERSION: T18N R03E S35 NESWNW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	2.00 CFS

PLACE OF USE: Irrigation Within Valley County
T17N R03E S02 LOT 4 (NWNW) 2.0 SWNW 28.0
NWSW 37.0 SWSW 40.0
107.0 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.

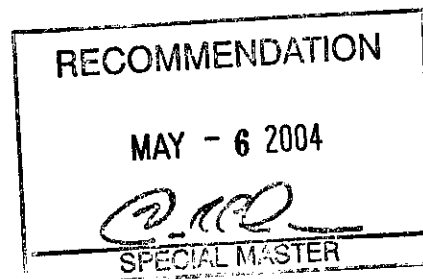
This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
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).

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



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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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *[Signature]*

2004 MAY 6 AM 9 08

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-03184M

NAME AND ADDRESS: JAMES P NISULA
JOYCE E NISULA
PO BOX 639
LAKE FORK, ID 83635

SOURCE: LAKE FORK CREEK TRIBUTARY: PAYETTE RIVER, NORTH FORK

QUANTITY: 0.155 CFS

PRIORITY DATE: 12/12/1903

POINT OF DIVERSION: T17N R03E S03 NESENE Within Valley County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 09-15	0.155 CFS

PLACE OF USE:	Irrigation		Within Valley County
	T17N R03E S10	NESE 2.6	NWSE 1.7
		SWSE 5.2	SESE 0.4
	9.9 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.

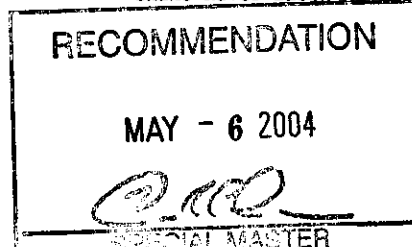
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code Section 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity 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).

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
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Water Right(s): 65-03175
65-03184M

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JAMES P NISULA
P O BOX 639
LAKE FORK, ID 83635

JAMES P NISULA
JOYCE E NISULA
JOYCE NISULA
PO BOX 639
LAKE FORK, ID 83635

A handwritten signature in cursive script, reading "Debbie Lash". The signature is written in dark ink and is positioned above a horizontal line.

DEBBIE LASH
Deputy Clerk

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In Re SRBA)
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Case No. 39576)
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Water Right(s): 65-03175
65-03184M


DEBBIE LASH
Deputy Clerk