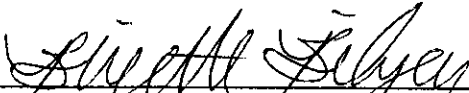


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1987 for .01 cfs. The permit holder did not challenge the license. In addition, the claimants did not object to the recommendation of .01 cfs contained in the *Director's Report*. The claimants failed to attend both hearings to determine whether this was a *Motion to Set Aside Partial Decree*. Thus, claimants failed to present evidence sufficient to support setting aside the *Partial Decree*.

THEREFORE, IT IS RECOMMENDED that there be no changes to the *Partial Decree* issued March 22, 2004. No *Amended Partial Decree* should issue.

Dated June 28, 2004.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION ON MOTION TO SET ASIDE PARTIAL DECREE was mailed on June 28, 2004, with sufficient first-class postage to the following:

HAROLD B NICHOLS
JOYCE M NICHOLS
PO BOX 515
LAVA HOT SPRINGS, ID 83246
Phone: 208-776-5686

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


Deputy Clerk