

	)	Subcases: 91-65; 65-2937B
In Re SRBA	)	
	)	
	)	SPECIAL MASTER'S
	)	RECOMMENDATION RE: MOTION
Case No. 39576	)	TO AMEND PARTIAL DECREE
	)	
	)	
	)	

Based upon the contents of the *Motion* and upon the court's file and record herein, and good cause appearing, it is RECOMMENDED that the *Motion* be granted and an Amended Partial Decree be issued for water right 65-2937B as set forth in the attached ***Recommendation for Amended Partial Decree pursuant to I.R.C.P. 54(b)***.¹


THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

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CERTIFICATE OF MAILING

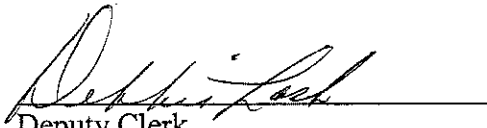
I certify that a true and correct copy of the **SPECIAL MASTER'S RECOMMENDATION RE: MOTION TO AMEND PARTIAL DECREE** was mailed March 29, 2006, with sufficient first class mail to the following:

IDWR
P O Box 83720
Boise, Idaho 83720-0098

State of Idaho
Office of the Attorney General
P O Box 444449
Boise Idaho 83711-4449

United State Department of Justice
550 West Fort Street, MSC 033
Boise Idaho 83724

Brian McMahan
P O Box 1066
McCall, Idaho 83638


Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02937B

NAME AND ADDRESS: CRISTINA NIKKEL
WILLIAM A NIKKEL
292 POTTER LN
MC CALL, ID 83638

SOURCE: JUG CREEK TRIBUTARY: LOUIE CREEK

QUANTITY: 33.40 AFY

PRIORITY DATE: 09/17/1946

POINT OF DIVERSION: T18N R04E S32 NESW Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	33.40 AFY
	Irrigation Storage	01-01 TO 12-31	33.40 AFY

PLACE OF USE: Irrigation from Storage Within Valley County
T18N R03E S36 NESE 12.0 SESE 22.0
34.0 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 PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 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