

2006 APR 12 AM 8 55

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 85-04466
	)	

I. FINDINGS OF FACT

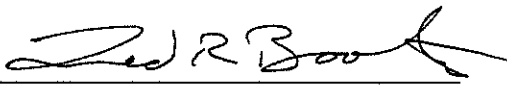
A notice of claim was filed for the above listed water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On May 27, 2005, an objection was filed by the United States of America, Department of Interior, Bureau of Reclamation, asserting that the period of use should be March 15 to November 15. On March 23, 2006, a *Notice of Completed Administrative Proceeding* was filed regarding a substitution of party. On April 3, 2006, the parties to the subcase filed a *Standard Form 5 - Stipulated Elements of a Water Right*, thereby resolving the objection. The Idaho Department of Water Resources concurred in the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 85-4466 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 10, 2006.



THEODORE R BOOTH
Special Master
Snake River Basin Adjudication

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

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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 85-04466

2006 APR 12 AM 8 55

NAME AND ADDRESS: BRYCE L TUMELSON
426 LAPWAI RD
LEWISTON, ID 83501

SOURCE: LINDSEY CREEK TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.20 CFS

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/15/1938

POINT OF DIVERSION: T36N R05W S32 SESE Within Nez Perce County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.12 CFS
	Stockwater	01-01 TO 12-31	0.04 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Nez Perce County
	T36N R05W S32	SWSE 4.1 SESE 1.7
	5.8 Acres Total	
	Stockwater	Within Nez Perce County
	Same as Irrigation	
	Domestic	Within Nez Perce County
	Same as Irrigation	

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

The quantity of water decreed for this water right for domestic
use and stockwater use is not a determination of historical
beneficial use.

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

RECOMMENDATION

APR 12 2006

[Signature]
SPECIAL MASTER

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 85-04466

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 12, 2006, with sufficient first-class postage prepaid to the following:

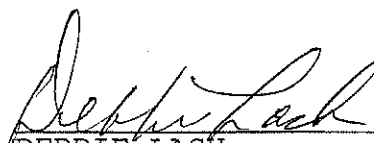
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

BRYCE L TUMELSON
426 LAPWAI RD
LEWISTON, ID 83501
Phone: 208-743-0556

CERTIFICATE OF MAILING


DEBBIE LASH
Deputy Clerk

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04/12/06

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Water Right(s) : 85-04466

Debbie Lash
DEBBIE LASH
Deputy Clerk