

RECEIVED

APR 26 2007

DEPARTMENT OF
WATER RESOURCES

2007 APR 25 AM 9:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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	) Subcase 74-1831
	) (Nef)
Case No. 39576	)
	) ORDER GRANTING MOTION TO
	) DISMISS OBJECTION; ORDER
	) VACATING INITIAL HEARING and
	) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-1831 to Verna and Darrell Nef, 1019 Lee Creek Road, Leadore, Idaho, 83464, for .24 cfs from Lee Creek to irrigate 12 acres in Lemhi County from March 15 to November 15 with a priority date of June 28, 1912, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. On April 16, 2007, IDWR filed a *Notice of Completed Administrative Proceeding* for transfers of point of diversion and place of use. Based on that *Notice*, the United States filed a *Notice of Voluntary Dismissal of Objection* on April 18, 2007.

Order

THEREFORE, IT IS ORDERED that the United States' motion to dismiss its *Objection* is **granted** and the initial hearing set on May 8, 2007, 9:30 a.m. is **vacated**.

Conclusions of Law

The Nefs are entitled to a partial decree adjudicating a water right as described in the *NCAP* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-1831*.

DATED April 25, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

TERRENCE A. DOLAN
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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-01831

2007 APR 25 AM 9:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: DARRELL J NEF
VERNA M NEF
1019 LEE CREEK RD
LEADORE, ID 83464

SOURCE: LEE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.24 CFS

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE
CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A
MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE
DIVERSION.
THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

PRIORITY DATE: 06/28/1912

POINT OF DIVERSION: T16N R25E S29 NWNWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.24 CFS

PLACE OF USE: Irrigation Within Lemhi County
T16N R25E S20 SWSW 12.0
12.0 Acres Total

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

USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY A WATERMASTER
WITH RESPONSIBILITY FOR THE DISTRIBUTION OF WATER AMONG
APPROPRIATORS WITHIN A WATER DISTRICT. AT THE TIME OF THIS
APPROVAL, THIS WATER RIGHT IS WITHIN STATE WATER DISTRICT NO 74Z.
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.

RECOMMENDATION

APR 25 2007

John M. Melanson
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2007 APR 25 AM 9:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

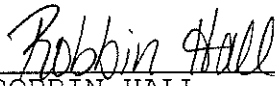
In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	
_____	)	Water Right(s): 74-01831

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 25, 2007, with sufficient first-class postage prepaid to the following:

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

DARRELL J NEF
VERNA M NEF
1019 LEE CREEK RD
LEADORE, ID 83464
Phone: 208-768-2402



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/25/07

2007 APR 25 AM 9:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

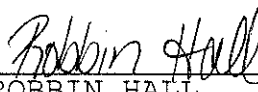
In Re SRBA	)	NOTICE OF ISSUANCE OF
	)	SPECIAL MASTER'S
Case No. 39576	)	RECOMMENDATION
	)	
_____	)	Water Right(s): 74-01831

On April 25, 2007, Special Master TERRENCE A. DOLAN 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 25, 2007.



ROBBIN HALL
Deputy Clerk