

2007 JUN 13 PM 2:37
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	)	Subcases 74-167, 74-168B and 74-2343
	)	(Nelson)
Case No. 39576	)	
	)	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 74-2343 to Clyde and Ruby Nelson, 152 Lemhi Road, Salmon, Idaho, 83467, for 3 cfs from the Lemhi River to irrigate 149 acres in Lemhi County from March 15 to November 15 with a priority date of June 21, 1963, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 74-2343 on June 29, 2006, objecting to place of use. On May 25, 2007, the parties, with IDWR's concurrence, filed a *Standard Form 5* agreeing to 148 acres and to add a remark under place of use. IDWR identified subcases 74-167 and 74-168B as uncontested overlapping claims.

Conclusions of Law

The Nelsons are entitled to partial decrees adjudicating water rights for claims 74-167, 74-168B and 74-2343 as recommended by IDWR and as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-167, 74-168B and 74-2343*.

DATED June 13, 2007.

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

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)
Case No. 39576)
_____)

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

Water Right 74-02343

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NAME AND ADDRESS: CLYDE S NELSON
RUBY M NELSON
152 LEMHI RD
SALMON, ID 83467

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.00 CFS

PRIORITY DATE: 06/21/1963

POINT OF DIVERSION: T21N R22E S10 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.00 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T21N R22E S04 LOT 1 (NENE) 8.0	LOT 2 (NWNE) 20.0
	SWNE 1.0	SENE 4.0
	LOT 3 (NENW) 28.0	LOT 4 (NWNW) 25.0
	NESE 3.0	
	T22N R22E S33 SWSW 13.0	SESW 16.0
	SWSE 30.0	
	148.0 Acres Total	

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

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

JUN 13 2007

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

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CERTIFICATE OF MAILING

Water Right(s): 74-00167
74-00168B 74-02343

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 June 13, 2007, with sufficient first-class postage prepaid to the following:

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

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

CLYDE S NELSON
RUBY M NELSON
152 LEMHI RD
SALMON, ID 83467

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

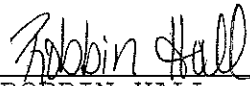
Water Right(s): 74-00167
74-00168B 74-02343

On June 13, 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 June 13, 2007.



ROBBIN HALL
Deputy Clerk