

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2007 OCT 17 AM 11 02

**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 74-1623, 74-15744 and 74-15745
	)	(George A. Wilson, Jr., Estate Trust,
Case No. 39576	)	Betty Wilson Lane Trust and
	)	USDI / BLM)
	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-1623 to the George A. Wilson, Jr., Estate Trust, P.O. Box 35, Folsom, California, 95763-0035, and the Betty Wilson Lane Trust, 2795 E. Bidwell Street, 100-408, Folsom, California, 95630-6405, for 5.73 cfs from Eighteenmile Creek for irrigation of 287 acres in Lemhi County from March 15 to November 15 with a priority date of January 1, 1918, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, filed an *Objection* on June 29, 2006, objecting to place of use. On October 9, 2007, the parties, with IDWR's concurrence, filed a *Standard Form 5* agreeing to split 74-1623 into 74-15744 (Trusts) and 15745 (USDI / BLM) and disallow 74-1623.

Conclusions of Law

The George A. Wilson, Jr., Estate Trust and the Betty Wilson Lane Trust are entitled to a partial decree adjudicating a water right for claim 74-15744 and the USDI / BLM is entitled to a partial decree adjudicating a water right for claim 74-15745 as described in the *SF-5* and the attached *Special Master Recommendations for Partial*

Decrees for Water Rights 74-15744 and 74-15745. The parties are not entitled to a partial decree for claim 74-1623 because of the split.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 74-1623 be **disallowed**.

DATED October 17, 2007.

A handwritten signature in dark ink, appearing to read "Terrence A. Dolan", is written over a horizontal line.

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

2007 OCT 17 AM 11 02

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15744

NAME AND ADDRESS: GEORGE A WILSON JR ESTATE
PO BOX 35
FOLSOM, CA 95763-0035

BETTY WILSON LANE TRUST
2795 E BIDWELL ST 100-408
FOLSOM, CA 95630-6405

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 4.91 CFS

PRIORITY DATE: 01/01/1918

POINT OF DIVERSION: T14N R28E S33 NWSW Within Lemhi County
SWSE
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.91 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T14N R28E S32	SWNE 10.0	NENW 5.0
		NWNW 10.0	SWNW 12.0
		SENE 14.0	NESE 3.0
		NWSE 14.0	
	S33	NESW 15.0	NWSW 22.0
		SWSW 11.0	SESW 30.0
		NESE 25.0	NWSE 28.0
		SWSE 36.0	SESE 11.0
	246.0 Acres Total		

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

OCT 17 2007

John M. Melanson
Presiding Judge of the
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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 74-15745

NAME AND ADDRESS: UNITED STATES OF AMERICA BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: EIGHTEENMILE CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.82 CFS

PRIORITY DATE: 01/01/1918

POINT OF DIVERSION: T14N R28E S33 NWSW Within Lemhi County
SWSE
SESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.82 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T14N R28E S32	NESW 4.0
	S33	SWNE 19.0
		SENE 2.0
		SENW 16.0
	41.0 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
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RECOMMENDATION

OCT 17 2007

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

DISTRICT COURT - LRBA
TWIN FALLS CO., IDAHO
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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): 74-01623
74-15744 74-15745

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 October 17, 2007, with sufficient first-class postage prepaid to the following:

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

GEORGE A WILSON JR ESTATE
TRUST
PO BOX 35
FOLSOM, CA 95763-0035
Phone: 916-933-6881

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

CERTIFICATE OF MAILING

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10/17/07

GEORGE A WILSON JR ESTATE
PO BOX 35
FOLSOM, CA 95763-0035

BETTY WILSON LANE TRUST
2795 E BIDWELL ST 100-408
FOLSOM, CA 95630-6405
Phone: 916-933-6881



ROBBIN HALL
Deputy Clerk

2007 OCT 17 AM 11 02

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

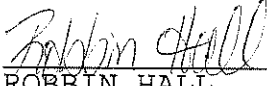
Water Right(s): 74-01623
74-15744 74-15745

On October 17, 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 October 17, 2007.



ROBBIN HALL
Deputy Clerk