

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC -5 AM 11:00

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 74-10043
Case No. 39576) (E.J. Wilson & Sons Partnership)
)
) SPECIAL MASTER REPORT
)
_____)

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 74-10043 be disallowed: "Right not claimed in prior adjudication." The claimant filed an *Objection* on March 3, 2006, objecting to the claim not being recommended as claimed.

IDWR filed an *Amended Director's Report, Subcase No. 24-10043* on October 26, 2007, recommending the claim to E.J. Wilson & Sons Partnership, c/o Chuck Wilson, Liddy Hot Springs, Dubois, Idaho, 83423, for .9 cfs from springs for year-'round power use in Lemhi County with a priority date of June 4, 1965, based on beneficial use. No one objected to the *Amended Director's Report*.

Conclusions of Law

E.J. Wilson & Sons Partnership is entitled to a partial decree adjudicating a water right as described in the *Amended Director's Report* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-10043*.

DATED December 5, 2007.



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 74-10043

NAME AND ADDRESS: E J WILSON & SONS PARTNERSHIP
C/O CHUCK WILSON
LIDY HOT SPRINGS
DUBOIS, ID 83423

SOURCE: SPRINGS TRIBUTARY: CLEAR CREEK

QUANTITY: 0.90 CFS

PRIORITY DATE: 06/04/1965

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION: T14N R28E S10 SWNWSE Within Lemhi County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Power	01-01 TO 12-31	0.90 CFS

PLACE OF USE: Power Within Lemhi County
T14N R28E S10 NESW

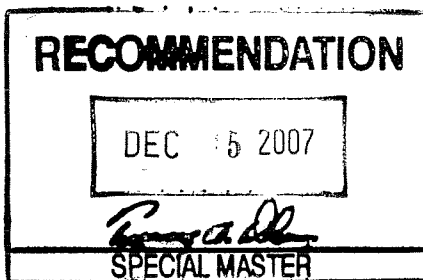
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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



2007 DEC -5 AM 11:00

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): 74-10043

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 December 05, 2007, with sufficient first-class postage prepaid to the following:

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

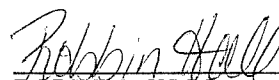
EJ WILSON & SONS PARTNERSHIP

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

E J WILSON & SONS PARTNERSHIP

C/O CHUCK WILSON
LIDY HOT SPRINGS
DUBOIS, ID 83423
Phone: 208-657-2506

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
12/05/07

2007 DEC -5 AM 11:00

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

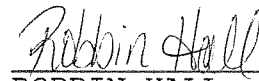
Water Right(s): 74-10043

On December 05, 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 December 05, 2007.



ROBBIN HALL
Deputy Clerk