

2008 MAY 28 PM 2: 52

DISTRICT COURT-SPRA
TWIN FALLS CO., ID. NO
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 02-2441**
) **(Nettleton)**
Case No. 39576)
) **SPECIAL MASTER REPORT**
)
_____)

Findings of Fact

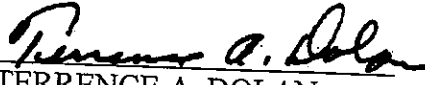
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Edith and Joe Nettleton for 1.71 cfs from the Snake River to irrigate 108 acres in Owyhee County from March 1 to November 15 with a priority date of September 16, 1951, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 2007, objecting to place of use. On May 16, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* for substitution of party and changes in place of use and ownership. The new owners are: the Edith Nettleton Testamentary Trust, P.O. Box 267, Boise, Idaho, 83701; Robert C. Nettleton, 16476 State Highway 78, Melba, Idaho, 83641; and Stephen J. Nettleton, 23938 Stateline Road, Parma, Idaho, 83660. The place of use was also changed. Based on the *NCAP*, the United States filed a *Notice of Voluntary Dismissal of Objection* on May 20, 2008.

Conclusions of Law

The Edith Nettleton Testamentary Trust, Robert C. Nettleton and Stephen J. Nettleton 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 02-2441*.

DATED May 28, 2008.


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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 02-02441

NAME AND ADDRESS: EDITH NETTLETON TESTAMENTARY
TRUST
PO BOX 267
BOISE, ID 83701

ROBERT C NETTLETON
16476 STATE HWY 78
MELBA, ID 83641

STEPHEN J NETTLETON
23938 STATELINE RD
PARMA, ID 83660

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.71 CFS

This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
Rights 2-2027A and 2-2441 when combined shall not exceed a total diversion rate of 1.71 cfs.

PRIORITY DATE: 09/16/1951

POINT OF DIVERSION: T01S R02W S28 LOT 4 (SWNENW) Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.71 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T01S R02W S21 LOT 5 (NWSW) 5.0	LOT 6 (SWSW) 28.0
	S28 LOT 4 (NENW) 43.0	S28 LOT 5 (SENW) 17.0
	108.0 Acres Total	

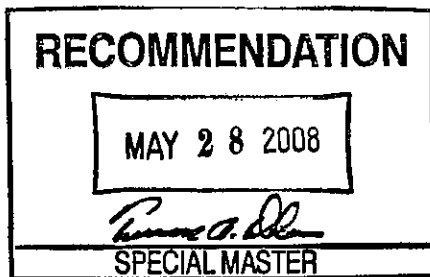
Use of this right with Right Nos. 2-02027A, 57-04042, and 57-10245 is limited to the irrigation of a combined total of 116 acres in a single irrigation season.

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

2008 MAY 28 PM 2:52

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

CERTIFICATE OF MAILING

Water Right(s): 02-02441

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 May 28, 2008, with sufficient first-class postage prepaid to the following:

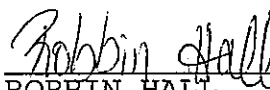
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EDITH NETTLETON TESTAMENTARY
TRUST
PO BOX 267
BOISE, ID 83701

ROBERT C NETTLETON
16476 STATE HWY 78
MELBA, ID 83641

STEPHEN J NETTLETON
23938 STATELINE RD
PARMA, ID 83660

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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05/28/08

DISTRICT COURT - SE
TWIN FALLS CO., ID.
DISTRICT OF THE

In Re SRBA
Case No. 39576

Water Right(s): 02-02441

ROBBIN HALL
Deputy Clerk