2003 FEB 26 AM 11:32
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 35-07439B**
Case No. 39576	)	**(Thompson)**
	)	
_____	)	**SPECIAL MASTER REPORT**

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-07439B to William D. Thompson, P.O. Box 519, Blackfoot, Idaho 83221, for .27 cfs from an unnamed stream to irrigate 21 acres within a 143 acre place of use in Bingham County from April 1 to November 1 with a priority date of August 19, 1974, based on a license.

No one objected to 35-07439B, but IDWR identified the claim as overlapping with another claim (35-07354) which was objected to by the Twin Falls and North Side Canal Companies. The matter was finally resolved on February 25, 2002, when Presiding Judge Roger S. Burdick entered an ***Order of Partial Decree for Water Right 35-07354***.

Conclusions of Law

William D. Thompson is entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the attached ***Special Master Recommendation for Partial Decree for Water Right 35-07439B***.

DATED February 26, 2003.

Terrence A. Dolan

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

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In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 35-07439B

NAME AND ADDRESS: WILLIAM D THOMPSON
P O BOX 519
BLACKFOOT, ID 83221

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

QUANTITY: 0.27 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07354 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.86 CFS.

PRIORITY DATE: 08/19/1974

POINT OF DIVERSION: T04S R32E S21 SESWNE Within Bingham County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	0.27 CFS

PLACE OF USE: Irrigation Within Bingham County
T04S R32E S21 SWNE 6.0 SENE 15.0
21.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 35-07354 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 143 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.

RECOMMENDATION
FEB 26 2003
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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TWIN FALLS CO., IDAHO
SRBA

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): 35-07439B

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 February 26, 2003, with sufficient first-class postage prepaid to the following:

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

WILLIAM D THOMPSON
P O BOX 519
BLACKFOOT, ID 83221
Phone: 208-785-2222

Robbin Hall
ROBBIN HALL
Deputy Clerk

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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): 35-07439B

On February 26, 2003, 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 February 26, 2003.

Robbin Hall
ROBBIN HALL
Deputy Clerk