

RECEIVED 2007 MAY 31 AM 11:50  
JUN - 1 2007  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
DEPARTMENT OF  
WATER RESOURCES  
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 74-1117  
Case No. 39576 ) (Whitson)  
 )  
 ) SPECIAL MASTER REPORT  
 )  
\_\_\_\_\_ )

**Findings of Fact**

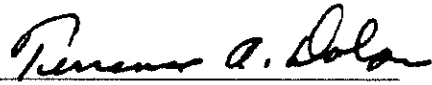
The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-1117 to Isabel Whitson for .02 cfs from wastewater to irrigate 1 acre in Lemhi County from March 15 to November 15 with a priority date of April 1, 1908, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 30, 2006, objecting to place of use. IDWR filed a *Notice of Completed Administrative Proceeding* on May 10, 2007, for a substitution of party to Walter Bruce Whitson, P.O. Box 22, Lemhi, Idaho, 83465-0022. On May 17, 2007, counsel for Mr. Whitson and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add a remark under place of use.

**Conclusions of Law**

Bruce Whitson is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-1117*.

DATED May 31, 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 74-01117

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NAME AND ADDRESS: BRUCE WHITSON  
PO BOX 22  
LEMHI, ID 83465-0022

SOURCE: WASTE WATER TRIBUTARY: HAYDEN CREEK

QUANTITY: 0.02 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T18N R24E S29 SENE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.02 CFS |

PLACE OF USE: Irrigation Within Lemhi County  
T18N R24E S29 SENE 1.0  
1.0 Acres Total

PLACE OF USE DOES NOT INCLUDE FEDERAL LAND.

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

RECOMMENDATION

MAY 31 2007

*[Signature]*  
SPECIAL MASTER

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-01117

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 31, 2007, with sufficient first-class postage prepaid to the following:

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

BRUCE WHITSON  
Represented by:  
CHACE SLAVIN  
116 N CENTER ST  
SALMON, ID 83467  
Phone: 208-756-2030

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

CERTIFICATE OF MAILING

*Robbin Hall*  
ROBBIN HALL  
Deputy Clerk

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05/31/07

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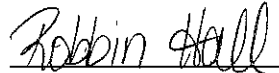
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | NOTICE OF ISSUANCE OF    |
|                | ) | SPECIAL MASTER'S         |
| Case No. 39576 | ) | RECOMMENDATION           |
|                | ) |                          |
| _____          | ) | Water Right(s): 74-01117 |

On May 31, 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 May 31, 2007.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk