

2007 AUG 27 PM 12 45

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 ) SPECIAL MASTER'S REPORT  
Case No. 39576 )  
 ) FINDINGS OF FACT AND  
 ) CONCLUSIONS OF LAW  
 )  
 ) FOR WATER RIGHT 63-07933

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I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 20, 2006, the United States of America, Department of Interior, Bureau of Land Management (BLM), filed an objection to the *Director's Report*, asserting that the place of use should not include federal public land. On June 29, 2007, IDWR filed an *Amended Director's Report*, which removed the federal public land from the place of use. The *Amended Director's Report* was published on the Court's Docket Sheet, and an objection period was set. No party filed an objection to the *Amended Director's Report*. On August 24, 2007, the BLM filed a *Notice of Voluntary Dismissal of Objections*.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-07933 be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated August 27, 2007



Theodore R. Booth  
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  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-07933

FILED

2007 AUG 27 PM 12 45

NAME AND ADDRESS: LAVAR K THORNTON  
2800 S TEN MILE RD  
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 2.80 CFS  
630.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 8.6 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 3620.6 AF. COMBINED RIGHT NOS.: 63-3280,  
63-3368, 63-7933, AND 63-32355.

PRIORITY DATE: 02/09/1975

POINT OF DIVERSION: T01N R01E S06 SWNE Within Ada County  
S07 LOT 1 (NWNW )  
R01W S01 LOT 5 (SENE )  
LOT 4 (NWNW )

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|----------------|----------------|----------------|------------------------|
|                | Irrigation     | 03-15 TO 11-15 | 2.80 CFS<br>630.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT  
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS  
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY  
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A  
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

| Irrigation          |             | Within Ada County |             |
|---------------------|-------------|-------------------|-------------|
| T01N R01E S06 LOT 1 | (NENE) 24.0 | LOT 2             | (NWNW) 13.0 |
|                     | SWNE 39.0   |                   | SENE 38.0   |
| LOT 3               | (NENW) 1.0  | LOT 4             | (NWNW) 26.0 |
| LOT 5               | (SWNW) 35.0 |                   | SENE 26.0   |
|                     | NESW 37.0   |                   | SESW 37.0   |
| S07                 | NENW 39.0   | LOT 1             | (NWNW) 38.0 |
| R01W S01 LOT 1      | (NENE) 40.0 | LOT 2             | (NWNW) 40.0 |
|                     | SWNE 40.0   | LOT 5             | (SENE) 40.0 |
| LOT 3               | (NENW) 40.0 | LOT 4             | (NWNW) 40.0 |
|                     | SWNW 40.0   |                   | SENE 40.0   |
| LOT 6               | (NESE) 40.0 |                   | NWSE 40.0   |
|                     | SWSE 39.0   | LOT 7             | (SESE) 40.0 |
| T02N R01W S31       | SWSW 22.5   |                   |             |
| S36                 | SWSW 39.0   |                   | SESW 40.5   |
|                     | SWSE 33.3   |                   | SESE 36.8   |
| 1004.1 Acres Total  |             |                   |             |

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 960.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 63-3280, 63-3368, 63-7933, AND 63-7993 AND  
63-32355.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 140 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

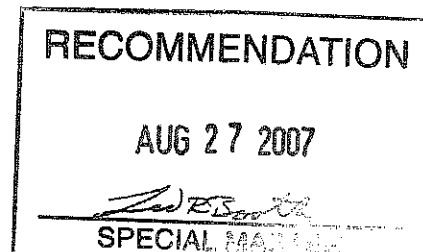
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

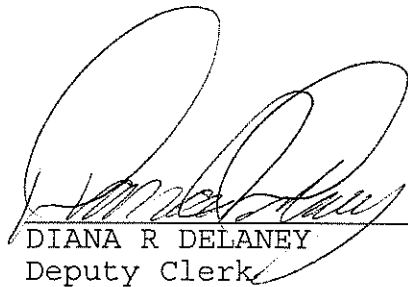
Water Right(s): 63-07933

On August 27, 2007, Special Master JOHN M MELANSON 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 August 27, 2007.

  
\_\_\_\_\_  
DIANA R DELANEY  
Deputy Clerk

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2007 AUG 27 PM 12 45

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 )

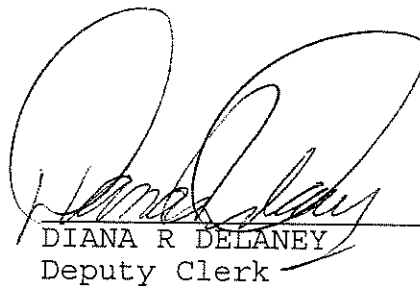
Water Right(s): 63-07933

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 August 27, 2007, with sufficient first-class postage prepaid to the following:

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

LAVAR K THORNTON  
2800 S TEN MILE RD  
KUNA, ID 83634  
Phone: 208-922-5779

  
DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

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08/27/07