

RECEIVED

2007 OCT 17 PM 12: 51

OCT 19 2007

DEPARTMENT OF
WATER RESOURCES

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 74-220A
Case No. 39576) (Thomas)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

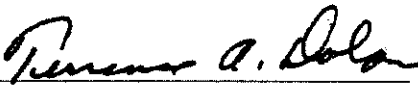
The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-220A to Heather and C. Lynn Thomas, P.O. Box 215, Salmon, Idaho, 83467, for .76 cfs from Withington Creek for irrigation of 34 acres in Lemhi County from March 15 to November 15 with a priority date of June 1, 1905, based on a decree.

The Thomas' filed an *Objection* on June 15, 2006, objecting to points of diversion and place of use. IDWR filed an *Amended Director's Report, Subcase No. 74-220A* on August 31, 2007, recommending three points of diversion and 37.1 acres. No one objected to the amended recommendation.

Conclusions of Law

The Thomas' are entitled to a partial decree adjudicating a water right for claim 74-220A as recommended in the *Amended Director's Report* and described in the attached *Special Master Recommendation for Partial Decree for Water Right 74-220A*.

DATED October 17, 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 74-00220A

2007 OCT 17 PM 12:51
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: C LYNN THOMAS
HEATHER THOMAS
PO BOX 215
SALMON, ID 83467

SOURCE: WITHINGTON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.76 CFS

PRIORITY DATE: 06/01/1905

POINT OF DIVERSION: T20N R23E S20 NESWNW Within Lemhi County
SWSWNW
SENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.76 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R23E S20 LOT 1 (NENE) 1.0	LOT 2 (NWNE) 16.9
	SWNE 1.0	NENW 3.0
	LOT 2 (NWNW) 0.28	LOT 2 (SWNW) 2.62
	SENW 12.3	
	37.1 Acres Total	

Place of use does not include federal public lands.

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

OCT 17 2007

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

2007 OCT 17 PM 12: 51

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)
_____)

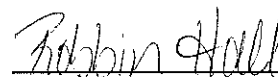
Water Right(s): 74-00220A

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 October 17, 2007, with sufficient first-class postage prepaid to the following:

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

C LYNN & HEATHER S THOMAS
C LYNN THOMAS
HEATHER THOMAS
PO BOX 215
SALMON, ID 83467
Phone: 208-756-2841



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
10/17/07

2007 OCT 17 PM 12: 51

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): 74-00220A

On October 17, 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 October 17, 2007.



ROBBIN HALL
Deputy Clerk