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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 11 2008	
Clerk	Deputy Clerk

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-32355

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 30, 2007, the claimant of the water right, Lavar K. Thornton, filed an objection to the *Director's Report*, asserting that the place of use should not include 3 acres of BLM land. Pursuant to the filing of an amended notice of claim, IDWR filed an *Amended Director's Report* on June 29, 2007, that removed the subject 3 acres from the place of use. No objections were filed to the *Amended Director's Report*, and the time for doing so has expired.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-32355 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept 11, 2008



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 63-32355

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

LAYNE THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634

SOURCE: GROUND WATER

QUANTITY: 1.12 CFS

The rights listed below are limited to a total combined diversion rate of 8.60 cfs and to a total combined annual diversion volume of 3620.6 AF. Combined Right Nos.: 63-3280, 63-3368, 63-7933, 63-7993 and 63-32355.

PRIORITY DATE: 03/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T01N R01E S06 SWNE Within Ada County
S07 NWNW
R01W S01 SENE
NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.12 CFS

PLACE OF USE:	Irrigation	Within Ada County
T01N R01E S06 LOT 1	(NENE) 24.0	LOT 2 (NWNE) 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 (NWNE) 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 R01E S31	SWSW 22.5	
R01W S36	SWSW 39.0	SESW 40.5
	SWSE 33.3	SESE 36.8
1004.1 Acres Total		

THIS RIGHT IS FOR AN ENLARGEMENT OF 125.3 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT AND IS LIMITED TO THE IRRIGATION OF 125.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

A COMBINED TOTAL OF 960.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 63-3280, 63-3368, 63-7933, 63-7993 AND
63-32355.

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

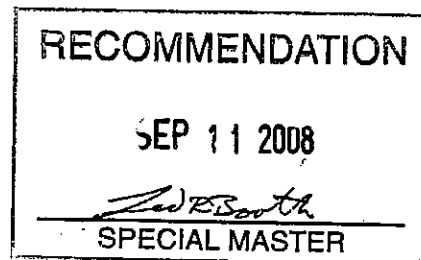
This right is based upon an enlargement of Right Nos. 63-3280,
63-3368, 63-7933, and 63-7993 pursuant to Section 42-1426,
Idaho Code.

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 Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 11 2008	
By _____	Clerk
Deputy Clerk	

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

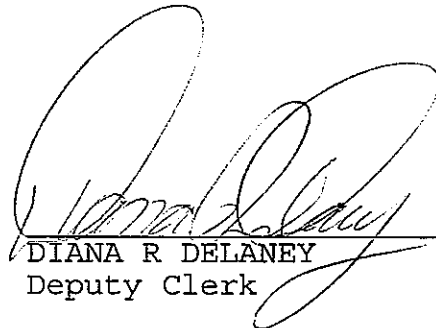
Water Right(s): 63-32355

On September 11, 2008, Special Master THEODORE R. BOOTH 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 September 11, 2008.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - 5th	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
SEP 11 2008	
By _____	Clerk
_____	Deputy Clerk

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): 63-32355

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 September 11, 2008, 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

LAYNE THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634
Phone: 208-922-4658



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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09/11/08