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Department of Water Resources
Adjudication Bureau

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 17 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) Subcases 75-2025H, 75-10061AC and 75-
Case No. 39576) 10062AA
(Thomas Family Trust)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the claims to the Thomas Family Trust, 10400 Presilla Road, Camarillo, California, 93012, for .044 cfs, .014 cfs and .008 cfs from Carmen Creek to irrigate 3 acres in Lemhi County from April 1 to October 31 with priority dates of December 22, 1910, May 1, 1875, and May 1, 1882, based on a license and decree.

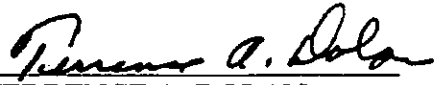
The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on October 17, 2007, objecting to place of use. The claimant and the United States, with IDWR's concurrence, filed *Standard Forms 5* on September 10, 2008, adding the remark: "Place of use does not include federal public lands."

On October 14, 2008, an *NCAP* was filed changing the Claimant name from the Thomas Family Trust to Johnny J Cabigas and Lana J. Greenway. No objection was received and the time for filing objections has passed.

Conclusions of Law

Johnny Cabigas and Lana Greenway are entitled to partial decrees adjudicating water rights as described in the *SF-5's*, the *NCAPs*, and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-2025H, 75-10061AC and 75-10062AA*.

DATED December 17, 2008


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 75-02025H

NAME AND ADDRESS: JOHNNY J CABIGAS
LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO, CA 93010

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.044 CFS

PRIORITY DATE: 12/22/1910

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.044 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWNE 2.2 SENW 0.8
3.0 Acres Total

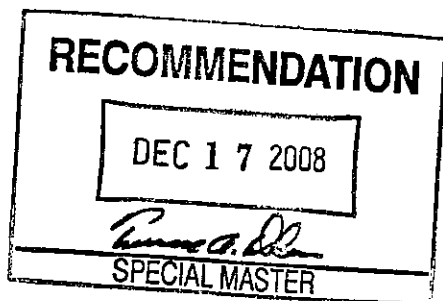
The rights listed below are limited to the irrigation of a
combined total of 3 acres in a single irrigation season.
Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA and
75-10678.
Place of use does not include federal public lands.

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.



John M. Melanson
Presiding Judge of the
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 75-10061AC

NAME AND ADDRESS: JOHNNY J CABIGAS
LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO, CA 93010

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.014 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.014 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03 SWNE 2.2	SENW 0.8
	3.0 Acres Total	

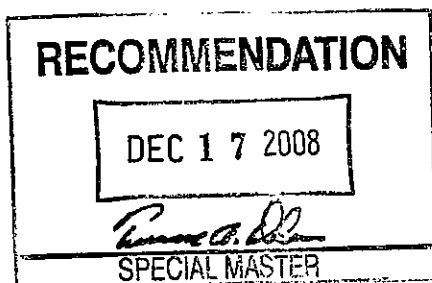
The rights listed below are limited to the irrigation of a
combined total of 3 acres in a single irrigation season.
Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA and
75-10678.
Place of use does not include federal public lands.

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
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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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
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John M. Melanson
Presiding Judge of the
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 75-10062AA

NAME AND ADDRESS: JOHNNY J CABIGAS
LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO, CA 93010

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T23N R22E S35 NENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.008 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SWNE 2.2 SENW 0.8
3.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 3 acres in a single irrigation season.
Combined Right Nos.: 75-2025H, 75-10061AC, 75-10062AA and
75-10678.
Place of use does not include federal public lands.

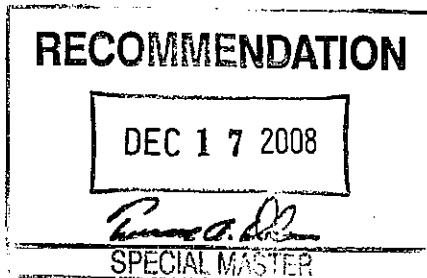
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

John M. Melanson
Presiding Judge of the
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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 75-02025H
75-10061AC 75-10062AA

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 December 17, 2008, with sufficient first-class postage prepaid to the following:

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

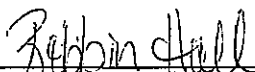
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JOHNNY J CABIGAS
LANA GREENWAY
LANA J GREENWAY
1267 MOBIL AVE
CAMARILLO, CA 93010

CERTIFICATE OF MAILING

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12/17/08

JOHNNY CABIGAS
4450 ELM ST
GUADALUPE, CA 93434



ROBBIN HALL
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

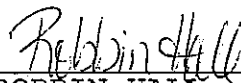
Water Right(s): 75-02025H
75-10061AC 75-10062AA

On December 17, 2008, 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 December 17, 2008.



ROBBIN HALL
Deputy Clerk