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DEPARTMENT OF
WATER RESOURCES

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

) Subcase No. 63-31459
) (split claim nos. 63-31989 and 63-31990)
)

) **Standard Form 5**
)

) **AMENDED CLAIM**
) **FOR DOMESTIC & STOCKWATER RIGHTS**
)

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

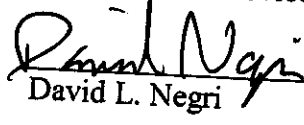
The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR agree and stipulate that this claim shall be "split" into two claims, claim numbers 63-31989 and 63-31990, and the use of these claims will be limited to a total combined diversion rate of .02 cfs and a total combined quantity of 13,000 gallons per day. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. The parties and IDWR further agree and stipulate that water right 63-31459 should be disallowed.

CLAIMANT:
Mc Grew Ranch LLC

 11-3-04
John McGrew Date

OBJECTOR:
United States on behalf of the
USDA Forest Service

 11-15-04
David L. Negri Date

IDWR CONCURRENCE:

 11-10-04
Jan Shurte Date

ATTORNEY FOR IDWR:

Date

CERTIFICATE OF MAILING

I certify that on November 15, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

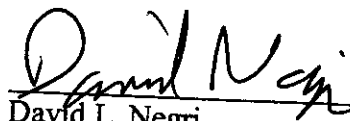
2. Copy to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase (insert names and addresses here):

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701-2773



David L. Negri

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31989

NAME AND ADDRESS: MC GREW RANCH LLC
15600 NE HOT CREEK RD
GLENN'S FERRY ID 83623

SOURCE: SPRING

QUANTITY: 0.020 CFS

TRIBUTARY: SINKS

Use of this right with Right No. 63-31990 is limited to a total combined diversion rate of .02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T01N R10E S23 NWNW Within ELMORE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within ELMORE County
T01N R10E S23 NWNW

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

The operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation To Resolve Subcases between McGrew Ranch LLC and the United States of America, filed in the office of the Elmore County Recorder and recorded on October 19, 2004, as Instrument No: 360953; the provisions of such stipulation to apply fully to 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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

This right is a split from former right 63-31459.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31990

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: SPRING

QUANTITY: 0.020 CFS

TRIBUTARY: SINKS

Use of this right with Right No. 63-31989 is limited to a total combined diversion rate of .02 cfs and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T01N R10E S23 NWNW Within ELMORE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within ELMORE County
T01N R10E S23 NWNW

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

The operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation To Resolve Subcases between McGrew Ranch LLC and the United States of America, filed in the office of the Elmore County Recorder and recorded on October 19, 2004, as Instrument No: 360953; the provisions of such stipulation to apply fully to this water right.

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