

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2005 JAN 12 PM 3:21

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION

Case No. 39576

)
) FOR WATER RIGHT: 63-31031
)
)

I.

Procedural Background.

The above-captioned water right was claimed by McGrew Ranch, LLC. The Idaho Department of Water Resources issued a *Director's Report* for the above right. An objection was filed on January 30, 2003 by the United States, Department of Agriculture, Forest Service (United States). On April 23, 2004, the United States lodged amendments to its objections.

The Court has rescinded the *Order of Reference to Special Master Thomas Cushman* in the above subcase. The Court is proceeding in the above subcase with Judge John Melanson presiding in the same manner set forth in *Administrative Order 1* for Special Masters.

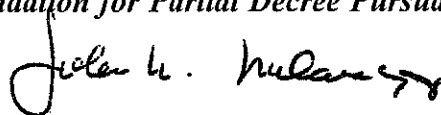
A *Stipulation to Resolve Subcases* was filed by the parties on October 14, 2004. A *Standard Form 5/Amended Claim* form was filed on November 15, 2004. The Claimant and the Objector signed the *SF5*, with IDWR's concurrence. In accordance with the *Amended Claim* an *Amended Director's Report* was filed.

II.

Recommendation.

Therefore, based on the file and record herein and pursuant to the *Standard Form 5* and the *Amended Director's Report*, IT IS RECOMMENDED that the above water right be **decreed** with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED: January 12, 2005



JOHN M. MELANSON
Presiding Judge
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 63-31031

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

SOURCE: MOORES CREEK TRIBUTARY: LIME CREEK
UNNAMED STREAM TRIBUTARY: MOORES CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/13/1911

POINT OF DIVERSION: T01N R10E S22 NWSWNE (Instream Ending Point) Within Elmore County
S23 SWSWNE (Instream Beginning Point)
NWSWNE (Instream Ending Point)
S24 SESWSE (Instream Ending Point)
S25 NESWSW (Instream Beginning Point)
SWSWNE (Instream Ending Point)
SESENE (Instream Beginning Point)
NENWSW (Instream Ending Point)
SWSWSE (Instream Beginning Point)
SWSWSE (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:	Stockwater	Within Elmore County
T01N R10E S22	SWNE	
S23	SWNE	SENE
	NWSE	SWSE
	SESE	
S24	SWSW	
S25	SWNE	SENE
	SWNW	SENE
	NESW	NWSW
	SESW	NESE
	NWSE	SWSE
	SESE	
S26	NENE	NWNE
	SENE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

Recommended
Jan. 12, 2005

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

John M. Melanson

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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-31031

CERTIFICATE OF MAILING

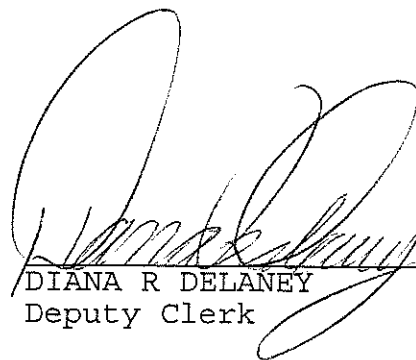
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 12, 2005, with sufficient first-class postage prepaid to the following:

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

MC GREW RANCH LLC
Represented by:
CHARLES L. HONSINGER
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING



DIANA R DELANEY
Deputy Clerk

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01/12/05



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Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

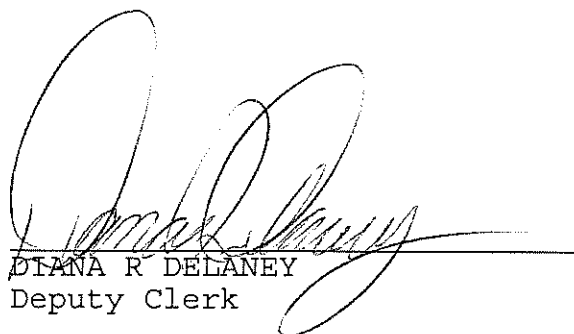
Water Right(s): 63-31031

On January 12, 2005, 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 January 12, 2005.


DIANA R DELANEY
Deputy Clerk

