

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 3:19

In Re SRBA

Case No. 39576

SPECIAL MASTER'S REPORT AND
RECOMMENDATION

FOR WATER RIGHTS: 63-31459,
63-31989 and 63-31990.

I.

Procedural Background.

Water right 63-31459 was claimed by McGrew Ranch, LLC. The Idaho Department of Water Resources issued a *Director's Report* for the 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 objection.

The Court has rescinded the *Order of Reference to Special Master Thomas Cushman* in the above subcases. The Court is proceeding in the above subcases 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. The parties and IDWR stipulated that water right 63-31459 should be split into two claims, 63-31989 and 63-31990.

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 water right 63-31989 and 63-31990 be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that water right 63-31459 be **disallowed** and not be confirmed in any final or partial decree.

DATED: January 12, 2005

JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

2005 JAN 12 PM 3: 19

DISTRICT COURT-SNBA
TWIN FALLS CO., IDAHO
FILED

Recommendation
Jan. 12, 2005
John L. Mulvaney

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Jan-12-2005

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31990

2005 JAN 12 PM 3:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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:	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 S23 NWNW

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.

THE OPERATION, USE AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION TO
RESOLVE SUBCASES BETWEEN MC GREW 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. 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
Jan. 12, 2005
John M. Melanson

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

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 63-31459

63-31989 63-31990

CERTIFICATE OF MAILING

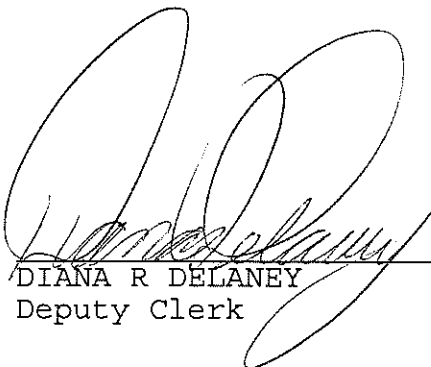
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on January 12, 2005, with sufficient first-class postage prepaid to the following:

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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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

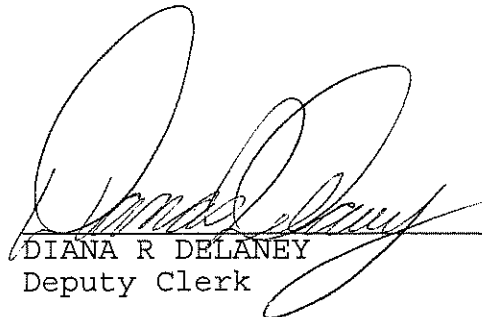
Water Right(s): 63-31459
63-31989 63-31990

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