

2005 MAR 23 AM 9 03

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	)	SPECIAL MASTER'S REPORT
	)	
	)	FINDINGS OF FACT AND
Case No. 39576	)	CONCLUSIONS OF LAW;
	)	REGARDING MOTION TO SET ASIDE
	)	PARTIAL DECREE
	)	
_____	)	FOR WATER RIGHT 65-8002

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right. A *Partial Decree* was issued for this water right on October 31, 2000.

On February 10, 2005, the SRBA District Court received correspondence from the claimants' son, Steven P. Gray, regarding an incorrect legal description for the place of use in the *Partial Decree*. The correspondence also states that Steven P. Gray and Mary Gray, husband and wife, are the current owners of the real property and water right. A copy of a quit claim deed showing this change in ownership is attached to Mr. Gray's letter. A telephonic hearing was held on March 22, 2005. Steven Gray appeared *pro se* and Susan Hamlin participated on behalf of the Idaho Department of Water Resources.

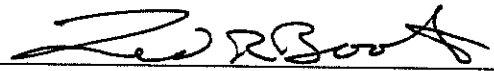
Based upon the correspondence from Mr. Gray, and the comments of the participants on the record at the hearing, this Special Master finds that the place of use listed in the *Partial Decree* is in error, that this error resulted from a clerical error made in the claims filing process, and that the correct legal description of the place of use is T15N, R03E, S19, SWNE. This Special Master further finds that Steven Gray and Mary Gray are the current owners of the water

right, and pursuant to I.R.C.P. 25, they are hereby substituted as parties.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, and pursuant to Idaho Rule of Civil Procedure 60(a), IT IS RECOMMENDED that the partial decree for water right 65-8002 be amended as set forth in the attached *Recommendation for Amended Partial Decree*.

DATED: March 22, 2005.



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

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

2005 MAR 23 AM 9 03

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-08002

NAME AND ADDRESS: MARY ANNE GRAY
STEVEN P GRAY
P O BOX 3687
KODIAK, AL 99615

SOURCE: UNNAMED STREAM TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 06/01/1963

POINT OF DIVERSION: T15N R03E S19 SWNE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Irrigation	04-15 TO 10-15	0.02 CFS

PLACE OF USE: Irrigation Within Valley County
T15N R03E S19 SWNE 1.0
1.0 Acres Total
Domestic Within Valley County
Same as Irrigation

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE 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.

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

RECOMMENDATION

MAR 23 2005

[Signature]
SPECIAL MASTER

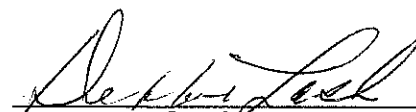
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT FINDINGS OF FACT AND CONCLUSIONS OF LAW; REGARDING MOTION TO SET ASIDE PARTIAL was mailed on March 23, 2005, with sufficient first-class postage to the following:

STEVEN P GRAY
P O BOX 3687
KODIAK, AK 99615

MARY ANNE GRAY
STEVEN P GRAY
P O BOX 3687
KODIAK, AL 99615
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DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Deputy Clerk