

2007 APR 17 AM 9:18

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

**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 74-630D and 74-15602**
) **(McAfee)**
Case No. 39576)
) **SPECIAL MASTER REPORT**
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-630D to Shane R. McAfee, P.O. Box 2008, Salmon, Idaho, 83467, for .29 cfs from the Lemhi River to irrigate 9.6 acres in Lemhi County from March 15 to November 15 with a priority date of June 1, 1971, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 29, 2006, objecting to place of use. On April 6, 2007, Mr. McAfee and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add a remark under place of use. IDWR also identified 74-15602 as an uncontested overlapping claim.

Conclusions of Law

Mr. McAfee is entitled to partial decrees adjudicating water rights as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-630D and 74-15602*.

DATED April 17, 2007.


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)
)
Case No. 39576)
_____)

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

Water Right 74-00630D

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NAME AND ADDRESS: SHANE R MC AFEE
PO BOX 2008
SALMON, ID 83467

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.29 CFS

PRIORITY DATE: 06/01/1971

POINT OF DIVERSION: T19N R24E S06 LOT 2 (NWNE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.29 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R24E S31	NWNE 1.9 SENE 1.3
	9.6 Acres Total	

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

RECOMMENDATION

APR 17 2007

James A. Allen
SPECIAL MASTER

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 74-15602

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TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SHANE R MC AFEE
PO BOX 2008
SALMON, ID 83467

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.22 CFS

PRIORITY DATE: 04/10/1909

POINT OF DIVERSION: T19N R24E S06 LOT 2 (NWNE) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.22 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T20N R24E S31	NENW 7 3 SENW 0 1
	7.4 Acres Total	

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 17 2007

James A. Allen
SPECIAL MASTER

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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 74-00630D
74-15602

CERTIFICATE OF MAILING

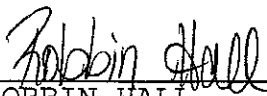
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 17, 2007, with sufficient first-class postage prepaid to the following:

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

SHANE R MC AFEE
PO BOX 2008
SALMON, ID 83467
Phone: 208-756-2548

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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04/17/07

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Case No. 39576

Water Right(s): 74-00630D
74-15602

ROBBIN HALL
Deputy Clerk