

2007 APR 17 AM 9:25

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 74-269, 74-1589, 74-1593 and 74-
Case No. 39576) 1599
) (McKinney)
)
_____) 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 claims 74-1593 and 74-1599 to Sam and Barbara McKinney, P.O. Box 52, Lemhi, Idaho, 83465, for 5.3 cfs and .54 cfs from the Lemhi River and Zeph Creek to irrigate 169 acres and 13.7 acres in Lemhi County from March 15 to November 15 with priority dates of May 4, 1886, and April 1, 1922, 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, Barbara McKinney and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to Barbara McKinney's name alone as claimant and amending the place of use. IDWR also identified 74-269 and 74-1589 as uncontested overlapping claims.

Conclusions of Law

Barbara McKinney is entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 74-269, 74-1589, 74-1593 and 74-1599*.

DATED April 17, 2007.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan". The signature is written in a cursive, flowing style.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2007 APR 17 AM 9: 25

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

PAGE 1
Apr-11-2007

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 74-01589

2007 APR 17 AM 9:25

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BARBARA MC KINNEY
SAM P MC KINNEY
PO BOX 52
LEMHI ID 83465

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.48 CFS
405.00 AFY

1.17 cfs of this right is used for conveyance loss.

PRIORITY DATE: 05/04/1886

POINT OF DIVERSION: I17N R24E S24 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.48 CFS 405.00 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
	I17N R24E S10	NESW 12.0 NESE 2.5 NWSE 32.0 SWSE 16.8 SESE 17.5 NENE 20.5 SENE 6.0
	S15	NWNE 8.4
	115.7 Acres Total	

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

RECOMMENDATION

APR 17 2007

John M. Melanson
Presiding Judge of the
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 74-01593

2007 APR 17 AM 9:25

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BARBARA MC KINNEY
PO BOX 52
LEMHI ID 83465

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 530 CFS

PRIORITY DATE: 05/04/1886

POINT OF DIVERSION: T17N R24E S25 NWNE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	530 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T17N R24E S10	NWSW 29.0 SWSW 20.0
	S15	NWNE 14.0 SENE 14.0 NWNW 3.0 NESE 5.0
		SWNE 27.0 NENW 34.0 SENW 3.0
	169.0 Acres Total	

This right authorizes the irrigation of 169.2 total acres
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.

RECOMMENDATION

APR 17 2007

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
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 74-01599

2007 APR 17 AM 9:25

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BARBARA MC KINNEY
PO BOX 52
LEMHI, ID 83465

SOURCE: ZEPH CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.54 CFS

PRIORITY DATE: 04/01/1922

POINT OF DIVERSION: 117N R24E S15 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.54 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	117N R24E S10	NESW 5.0	NWSW 2.0
	S15	NWNW 1.0	SWNW 6.0
	14.0 Acres Total		

This right authorizes the irrigation of 13.7 total acres.
The use of water in 117N. R24E. S15. SWNW is limited to the
east-half of that place of use.
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

SPECIAL MASTER

2007 APR 17 AM 9:25

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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 74-00269

74-01589 74-01593 74-01599

CERTIFICATE OF MAILING

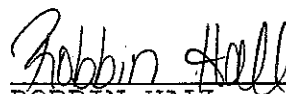
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 17, 2007, with sufficient first-class postage prepaid to the following:

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

BARBARA MC KINNEY
PO BOX 52
LEMHI, ID 83465
Phone: 208-768-2451

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

PAGE 1
04/17/07

2007 APR 17 AM 9:25

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

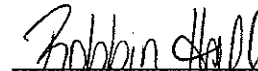
Water Right(s): 74-00269
74-01589 74-01593 74-01599

On April 17, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), 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 April 17, 2007.


ROBBIN HALL
Deputy Clerk