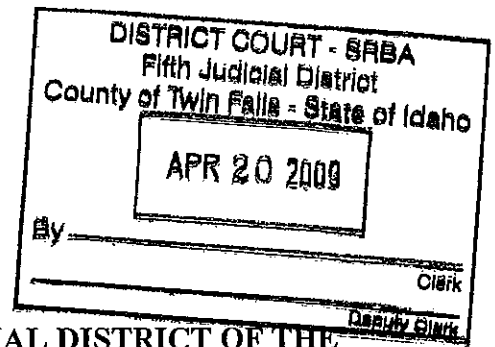




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 67-00492,
) 67-00493, 67-00494B, and 67-10636

I. FINDINGS OF FACT

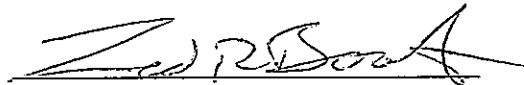
Notices of claim were filed for the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of these water rights.

On August 17, 2007, the claimant of the water rights, McKee Brothers, Inc., filed an objection to the *Director's Report* for water right 67-10622, asserting that the right should not be disallowed. Water rights 67-00492, 67-00493, 67-00494B, and 67-10636 were identified as uncontested overlapping rights. On April 18, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* in subcase 67-10622, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water rights 67-00492, 67-00493, 67-00494B, and 67-10636 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated April 20, 2009


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
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 67-00492

APR 20 2009

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE, ID 83610

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 1.30 CFS

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to a
total combined diversion rate of 6.56 cfs.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T14N R02W S17 NENENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	1.30 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T14N R02W S18	NWNE 37.0 SWNE 4.0
		NENW 37.0 LOT 1 (NWNW) 40.0
	LOT 2 (SWNW) 40.0	SENE 32.0
		NESW 8.0 LOT 3 (NWSW) 22.0
	R03W S12	NESE 30.0
	S13	NENE 38.0
	328.0 Acres Total	

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to
the irrigation of a combined total of 328 acres in a single
irrigation season.

This right is limited to the irrigation of 104 acres within the
place of use described above in a single irrigation season.

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 20 2009

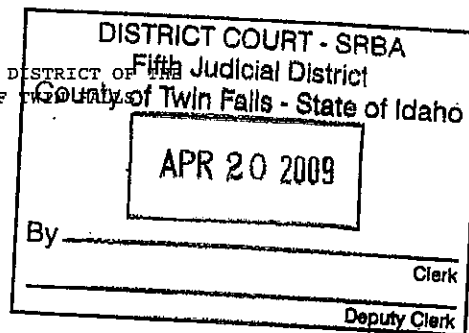
Joe B. Smith
SPECIAL MASTER

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 67-00493



NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE, ID 83610

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 1.52 CFS

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to a
total combined diversion rate of 6.56 cfs.

PRIORITY DATE: 07/01/1883

POINT OF DIVERSION: T14N R02W S17 NENENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	1.52 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T14N R02W S18	NWNE 37.0 SWNE 4.0
		NENW 37.0 LOT 1 (NWNW) 40.0
	LOT 2 (SNNW) 40.0	SENE 32.0
		NESW 8.0 LOT 3 (NWSW) 22.0
	R03W S12	NESE 30.0 SESE 40.0
	S13	NENE 38.0
	328.0 Acres Total	

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to
the irrigation of a combined total of 328 acres in a single
irrigation season.

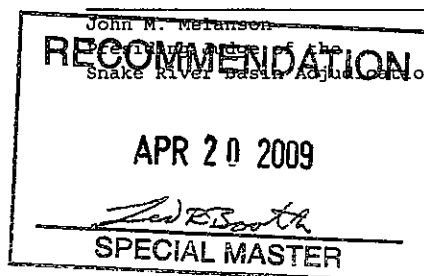
This right is limited to the irrigation of 122 acres within the
place of use described above in a single irrigation season.

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.



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	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 20 2009	
By _____	Clerk
Deputy Clerk	

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 67-00494B

NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE, ID 83610

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 0.90 CFS

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to a
total combined diversion rate of 6.56 cfs.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION: T14N R02W S17 NENENE Within Washington County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.90 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T14N R02W S18	NWNE 40.0 SWNE 4.7
		NENW 40.0 LOT 1 (NWNW) 39.0
	LOT 2 (SNNW) 39.0	SENE 34.0
	NESW 6.6	LOT 3 (NWSW) 17.0
	R03W S12	SESE 40.0
	S13	NWNE 0.1
		SENE 0.6
	328.0 Acres Total	

Right Nos. 67-492, 67-493, 67-10636 and 67-494B are limited to
the irrigation of a combined total of 328 acres in a single
irrigation season.

This right is limited to the irrigation of 72 acres within the
place of use described above in a single irrigation season.

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
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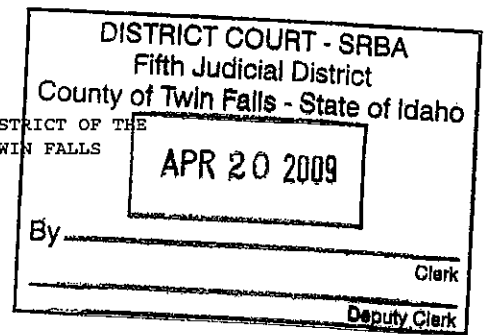
RECOMMENDATION
John M. Melanson Presiding Judge of the Snake River Basin Association
APR 20 2009
<i>John M. Melanson</i>
SPECIAL MASTER

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 67-10636



NAME AND ADDRESS: MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE, ID 83610

SOURCE: LITTLE WEISER RIVER TRIBUTARY: WEISER RIVER

QUANTITY: 2.84 CFS

Right Nos. 67-494B, 67-492, 67-493, 67-10636 are limited to a
total combined diversion rate of 6.56 cfs.

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION: T14N R02W S17 NENENE Within Washington County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	2.84 CFS

PLACE OF USE:	Irrigation	Within Washington County
	T14N R02W S18	NWNE 37.0 SWNE 4.0
		NENW 37.0 LOT 1 (NWNW) 40.0
	LOT 2 (SWNW) 40.0	SENE 32.0
		NESW 8.0 LOT 3 (NWSW) 22.0
	R03W S12	NESE 30.0 SESE 40.0
	S13	NENE 38.0
	328.0 Acres Total	

Right Nos. 67-494B, 67-492, 67-493, 67-10636 are limited to the
irrigation of a combined total of 328 acres in a single
irrigation season.

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).

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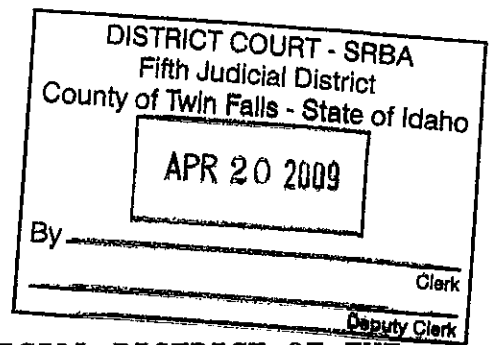
John M. Melanson

Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

APR 20 2009

John M. Melanson
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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

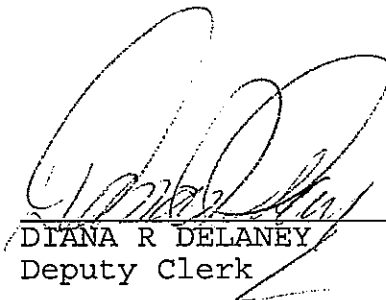
Water Right(s): 67-00492
67-00493 67-00494B 67-10636

On April 20, 2009, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

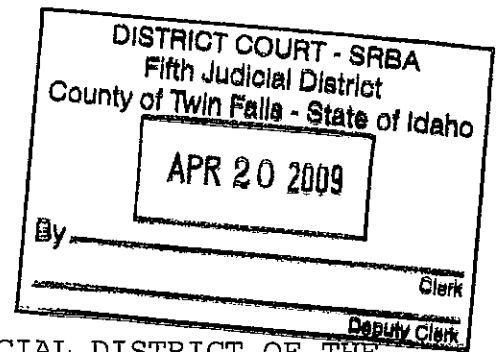
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 20, 2009.



DIANA R DELANEY
Deputy Clerk



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)
_____)

CERTIFICATE OF MAILING

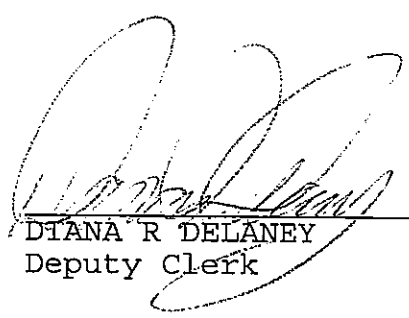
Water Right(s): 67-00492
67-00493 67-00494B 67-10636

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 20, 2009, with sufficient first-class postage prepaid to the following:

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

MC KEE BROTHERS INC
2980 SALUBRIA RD
CAMBRIDGE, ID 83610
Phone: 208-257-3538



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
04/20/09