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FEB 19 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 18 2010	
By _____	Clerk
_____	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

-) SPECIAL MASTER'S REPORT
-)
-) FINDINGS OF FACT AND
-) CONCLUSIONS OF LAW
-)
-) FOR WATER RIGHTS 77-04049,
77-14277, 77-14302, and 77-14303

RECOMMENDATION OF
DISALLOWANCE FOR WATER RIGHT
CLAIMS 77-02088, 77-14240, 77-14241,
77-14242, 77-14243, 77-14244, 77-14245,
77-14246, 77-14247, 77-14248, 77-14249,
77-14250, 77-14251, 77-14252, 77-14253,
77-14254, and 77-14255

I. FINDINGS OF FACT

A notice of claim was filed for water right 77-02088 by Mackay Bar Corporation 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 or abstract for the elements of water right 77-02088. Late claims were subsequently filed by Steve and Shelly Rambo *et al.*, for water rights 77-14240, 77-14241, 77-14242, 77-14243, 77-14244, 77-14245, 77-14246, 77-14247, 77-14248, 77-14249, 77-14250, 77-14251, 77-14252, 77-14253, 77-14254, and 77-14255, which were recommended in the *Director's Report* to be disallowed.

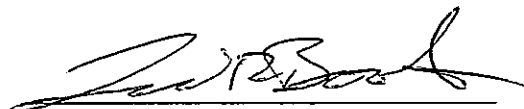
On January 16, 2007, Steve and Shelly Rambo *et al.*, filed an objection to the *Director's Report* for water right 77-02088. On February 11, 2010, the parties filed *Standard Forms 5 – Stipulated Elements of a Water Right* in subcases 77-02088, 77-04049, 77-14277, 77-14302, and 77-14303. The *Standard Forms 5* split water right claim 77-02088 into water rights 77-14277,

77-14302, and 77-14303. The Idaho Department of Water Resources concurred with the stipulations.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water rights 77-04049, 77-14277, 77-14302, and 77-14303 be **decreed** with the elements as set forth in the attached ***Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)***. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order disallowing water right claims 77-02088, 77-14240, 77-14241, 77-14242, 77-14243, 77-14244, 77-14245, 77-14246, 77-14247, 77-14248, 77-14249, 77-14250, 77-14251, 77-14252, 77-14253, 77-14254, and 77-14255 with prejudice.

Dated February 18, 2010



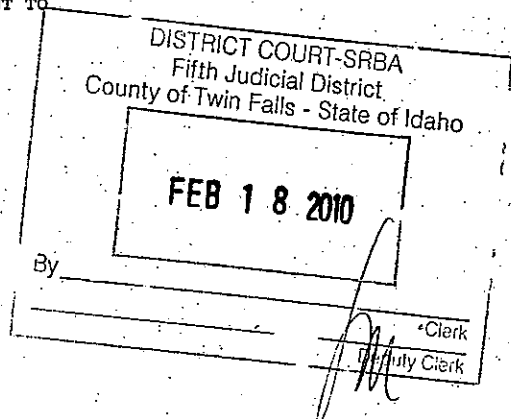
Theodore R. Booth
Special Master
Snake River Basin Adjudication

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

In Re SRBA
Case No. 39576

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

Water Right 77-04049



NAME AND ADDRESS: MACKAY BAR RANCH LLC
C/O KEN AND ANDREA CAMERON
HC 83 BOX 8010
CASCADE, ID 83611

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.28 CFS

PRIORITY DATE: 01/01/1967

POINT OF DIVERSION: T24N R08E S32 NENW Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.28 CFS

PLACE OF USE:	Irrigation	Within Idaho County
	T24N R08E S32	
	NENW 1.0	SWNW 0.5
	SENW 10.0	NESW 1.4
	NWSW 1.2	
	14.1 Acres Total	

Right Nos. 77-14277, 77-4045 and 77-4049 are limited to the irrigation of a combined total of 14.1 acres in a single irrigation season.

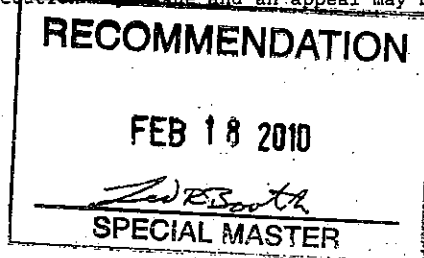
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 537 AND TRACT 37.

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.



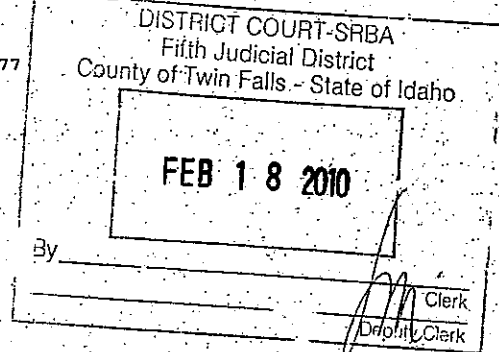
Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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 77-14277



NAME AND ADDRESS: MACKAY BAR RANCH LLC
C/O KEN AND ANDREA CAMERON
HC 83 BOX 8010
CASCADE, ID 83611

SOURCE: MACKAY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.63 CFS

This right when combined with other rights is limited to 0.02 cfs
per acre at the field headgate.

PRIORITY DATE: 11/03/1943

POINT OF DIVERSION: T24N R08E S32 NWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.18 CFS
	Power	01-01 TO 12-31	0.63 CFS

PLACE OF USE:	Irrigation	Within Idaho County
	T24N R08E S32	NENW 1.0 SENE 10.0 NWSW 1.2
	14.1 Acres Total	SNNW 0.5 NESW 1.4

Power	Within Idaho County
T24N R08E S32	SENE

Right Nos. 77-14277, 77-4045 and 77-4049 are limited to the
irrigation of a combined total of 14.1 acres in a single
irrigation season.

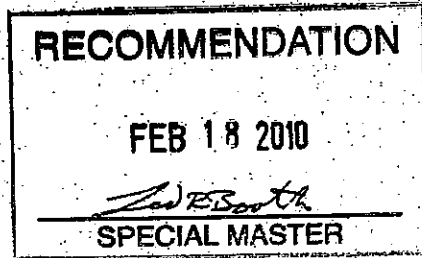
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is known as Tract 37 and part of Homestead Entry Survey
No. 537.

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.

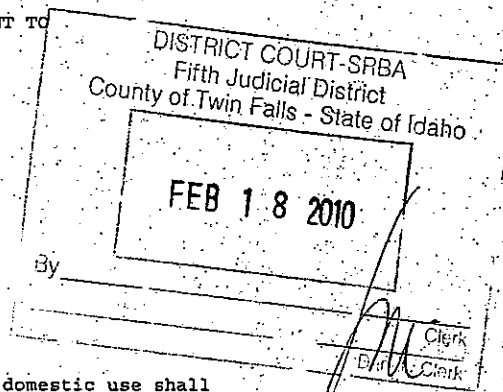


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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 77-14302



NAME AND ADDRESS: MACKAY BAR CORP
PO BOX 7968
BOISE, ID 83707

SOURCE: MACKAY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.23 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/03/1943

POINT OF DIVERSION: T24N R08E S32 NWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.23 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Irrigation Within Idaho County
T24N R08E S32 SENW 2.0'
11.5 Acres Total

Domestic Within Idaho County
Same as Irrigation

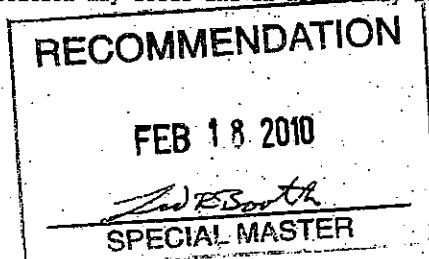
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Property is within Homestead Entry Survey No. 537.
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

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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.



Eric J. Wildman
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 77-14303

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 18 2010

NAME AND ADDRESS: MACKAY BAR HOMEOWNERS ASSN INC
C/O S BRYCE FARRIS
RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701-2773

SOURCE: MACKAY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.14 CFS

This right when combined with other rights is limited to 0.02 cfs
per acre at the field headgate.

PRIORITY DATE: 11/03/1943

POINT OF DIVERSION: T24N R08E S32 NWNE Within Idaho County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 10-31	0.08 CFS
	Domestic	01-01 TO 12-31	0.14 CFS

PLACE OF USE:	Irrigation		Within Idaho County
	T24N R08E S32	NENW 0.2	SENEW 2.0
	2.2 Acres Total		
Domestic			Within Idaho County
	T24N R08E S32	NENW	SENEW

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

PROPERTY IS WITHIN HOMESTEAD ENTRY SURVEY NO. 537.

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

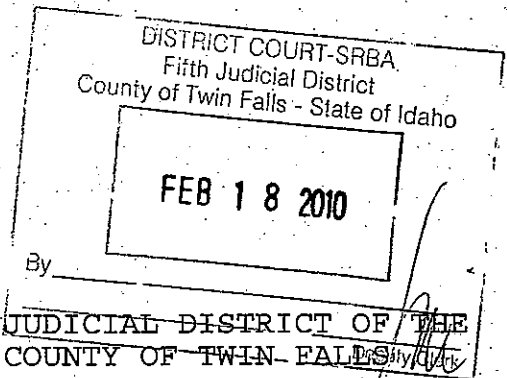
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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

FEB 18 2010

Lawrence B. South
SPECIAL MASTER

Eric J. Wildman
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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 77-04049
77-14277 77-14302 77-14303

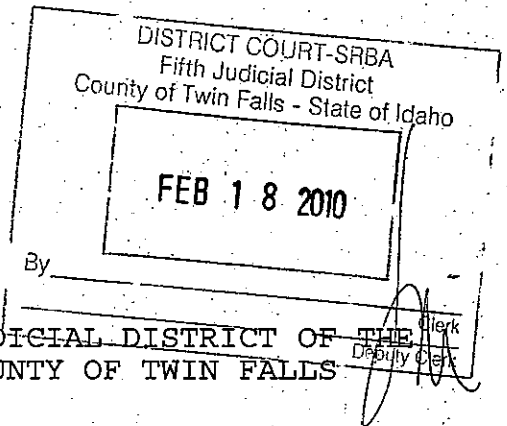
On February 18, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 February 18, 2010.


JULIE MURPHY
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): 77-04049
77-14277 77-14302 77-14303

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 February 18, 2010, with sufficient first-class postage prepaid to the following:

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

MACKAY BAR RANCH LLC
Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1
02/18/10

ARTHUR C & MARGARET JONES III
BRIAN & SANDRA ANDERSON
CHARLES D & BARBARA K JONES
CLYDE GERHARD
DENNIS & KIM GEIS
ELDON & CHEREESE HOWARD
FARRIS SCOTT & VICTORIA LIND
FRANK FRITZIE
GARY & KATHY MC LEAN
GREGORY OBENDORF
HARVEY GEIS
JAMES & CARRIE CHEATHAM
JON VANDERHOEF
MARVIN THOMAS
MICHAEL D & SALLY GERHARD
RICHARD M PHILLIPS
ROD & CHRIS HIGGINS
ROGER ANDERSON
STEVE & SHELLY RAMBO
WENDEL & JAN HOLTON

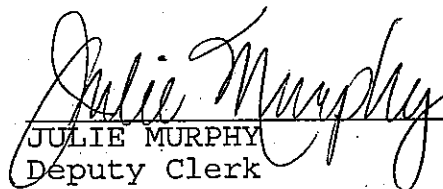
Represented by:

S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

MACKAY BAR RANCH LLC
C/O KEN AND ANDREA CAMERON
HC 83 BOX 8010
CASCADE, ID 83611

MACKAY BAR HOMEOWNERS ASSN INC
C/O S BRYCE FARRIS
RINGERT LAW CHARTERED
PO BOX 2773
BOISE, ID 83701-2773

MACKAY BAR CORP
PO BOX 7968
BOISE, ID 83707


JULIE MURPHY
Deputy Clerk

FEB 18 2010

By

Clerk
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
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): 77-02088
(SEE ATTACHED EXHIBIT A)

Disallowed Rights

On February 18, 2010, 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 February 18, 2010.

Julie Murphy
JULIE MURPHY
Deputy Clerk

Exhibit A

Subcase Nos:

77-02088
77-14240
77-14241
77-14242
77-14243
77-14244
77-14245
77-14246
77-14247
77-14248
77-14249
77-14250
77-14251
77-14252
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77-14254
77-14255

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 18 2010	
By _____	Clerk
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
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In Re SRBA)

Case No. 39576)

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Water Right(s): 77-02088
(SEE ATTACHED EXHIBIT A)

Disallowed Rights

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601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

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SANDRA ANDERSON
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WENDELL HOLTON

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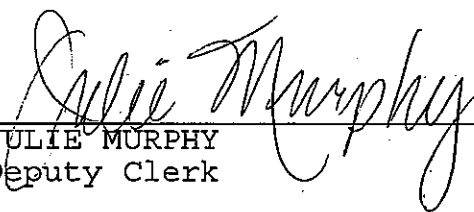

JULIE MURPHY
Deputy Clerk

Exhibit A

Subcase Nos:

77-02088
77-14240
77-14241
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