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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 26 2011
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	) Subcases 63-361, 63-8389 and 63-9807
	) (McDonough)
Case No. 39576	)
	) SPECIAL MASTER REPORT
_____	)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 13, Basin 63, IDWR Part 3* on December 19, 2006. The Director recommended the claims to Mark A. McDonough, P.O. Box 74, Melba, Idaho, 83641, for 1.1 cfs, 1.16 cfs and .4 cfs from the Grouch Drain and wastewater to irrigate 55 acres and 20 acres in Canyon County from March 1 or 15 to November 15 with priority dates of April 1, 1917, March 10, 1992, and June 12, 1982, based on decree or licenses. IDWR identified the three claims as uncontested and overlapping with water right 02-68 which was recommended for partial decree on January 20, 2011.

Conclusions of Law

Mr. McDonough is entitled to partial decrees adjudicating water rights as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 63-361, 63-8389 and 63-9807*.

DATED January 26, 2011.



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 63-00361

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: GROUCH DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.10 CFS
248.00 AFY

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to a
total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 04/01/1917

Pursuant to a call in times of scarcity, this right is junior to
Water Right Nos. 63-360A & 63-32527, 63-32528 and 63-32529 per
Decree 63-T, Bachman et al vs Reynolds Irrigation District.

POINT OF DIVERSION: T01S R02W S08 SENE Within Canyon County

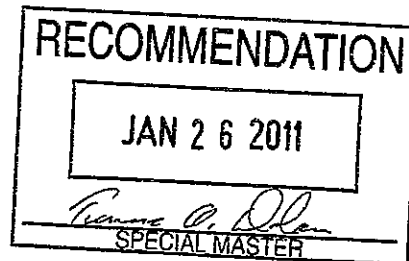
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.10 CFS

PLACE OF USE:	Irrigation		Within Canyon County
	T01S R02W S05	NESW 3.0	SWSW 10.0
		SESW 19.0	
	S06	NENE 4.0	NWNE 7.0
		SENE 3.0	
	S08	NWNE 2.0	NENW 7.0
	55.0 Acres Total		

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to the
irrigation of a combined total of 231 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).



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-08389

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: GROUCH DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 1.16 CFS
261.00 AFY

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to a
total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 03/10/1992

POINT OF DIVERSION: T01S R02W S08 NENW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.16 CFS 261.00 AFY

The use of water for irrigation under this right may begin as
early as March 1, provided other elements of the right are not
exceeded. The use of water before march 15 under this remark is
subordinate to all water rights having no subordinated early or
late irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

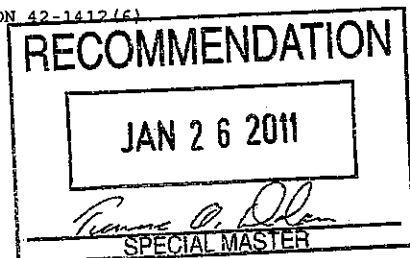
PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S05 SWSW 13.0 SESW 8.0	
	S08 NENW 26.0 LOT 4 (NWNW)11.0	
	58.0 Acres Total	

Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to the
irrigation of a combined total of 231 acres in a single
irrigation season.

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

This right remains subject to the right of the original
appropriator, in good faith and in compliance with state laws
governing changes in use and/or expansion of water rights, to
cease wasting water, to change the place or manner of wasting
it, or to recapture it.

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)



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-09807

NAME AND ADDRESS: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

SOURCE: WASTE WATER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.40 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to a total combined diversion rate of 4.62 cfs.

PRIORITY DATE: 06/12/1982

POINT OF DIVERSION: T01S R02W S06 SENE Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.40 CFS
			90.00 AFY

The use of water for irrigation under this right may begin as early as March 1; provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

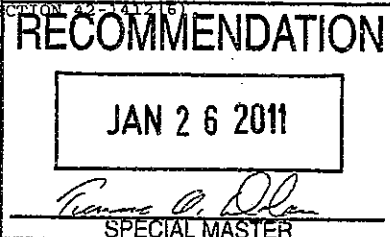
PLACE OF USE:	Irrigation	Within Canyon County
	T01S R02W S06 LOT 4 (NENE) 4.0	LOT 5 (NWNE) 8.0
	LOT 3 (SWNE) 1.0	SENE 7.0
	20.0 Acres Total	

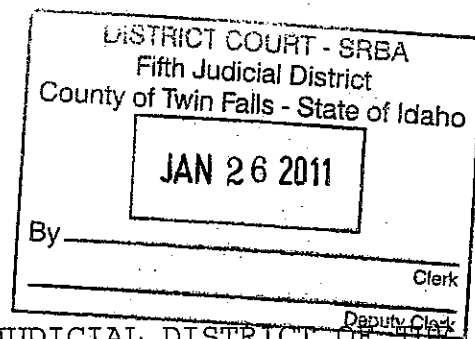
Right Nos. 2-68, 63-361, 63-8389 and 63-9807 are limited to the irrigation of a combined total of 231 acres in a single irrigation season.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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 42-2412(5)





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

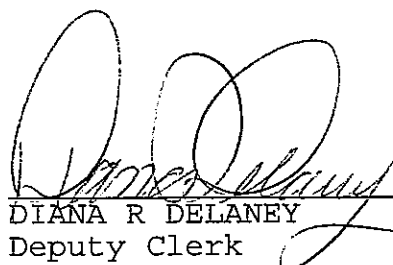
Water Right(s): 63-00361
63-08389 63-09807

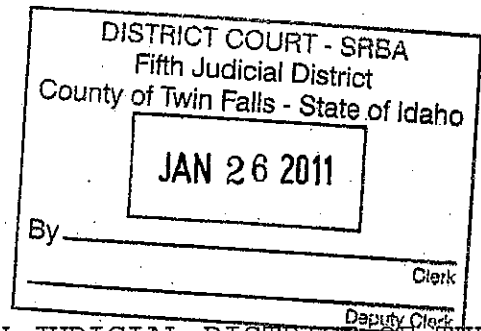
On January 26, 2011, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 January 26, 2011.


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

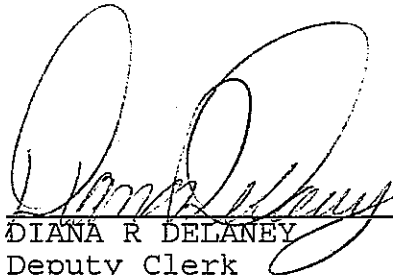
Water Right(s): 63-00361
63-08389 63-09807

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 January 26, 2011, with sufficient first-class postage prepaid to the following:

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

MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641
Phone: 208-495-9801


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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01/26/11