



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

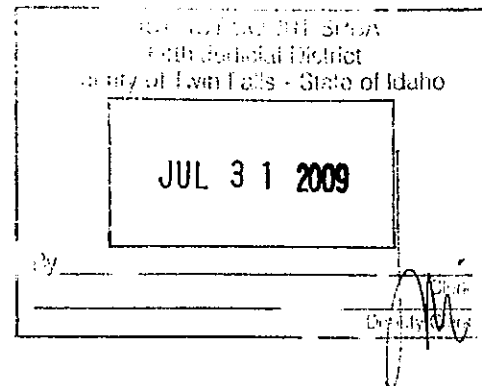
C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 29, 2009

DIANA DELANEY
CLERK OF THE DISTRICT COURT
PO BOX 2707
TWIN FALLS ID 83303-2707

Re: Snake River Basin Adjudication (SRBA)
Recommendation #31-10047



Dear Diana,

During water right processing I discovered a suspected error in the partial decree for 31-10047. The objector, the United States, withdrew after and contingent on the amended claim modifying the locations of the water right going forward. The special master and the partial decree followed the initial director's report.

A complicating factor is IDWR has been informed Jack McGarry, named on the partial decree, is deceased. Others who may have a possessory interest in the property are receiving a copy of this letter. The initial objector, the U.S. Forest Service, is also receiving a copy.

I have enclosed an Amended Director's Report which the Court may use for issuing a Partial Decree for the water right.

IDWR stands ready to respond to any questions the Court may have. I extend my thanks for considering this request.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region
Enclosure

C: G. Baxter w/o Enclosure
R. Williams w/o Enclosure
P. McGarry
B. Egan
S. Spencer

07/29/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-10047
NAME AND ADDRESS: PATRICK T MC GARRY
HC 61 BOX 1080
DUBOIS ID 83423
JACK MC GARRY
HC 61 BOX 1080
DUBOIS ID 83423

SOURCE: COTTONWOOD CREEK
HOOLIE SPRINGS
UNNAMED STREAM

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 10/01/1883

POINT OF
DIVERSION:

T11N R35E S4 NENW Begin of Stream Flow Within CLARK County
T11N R35E S4 NENW Within CLARK County
T11N R35E S4 SWSE End of Stream Flow Within CLARK County
T11N R35E S33 NENE Begin of Stream Flow Within CLARK County
T11N R35E S33 SENE End of Stream Flow Within CLARK County

PURPOSE AND
PERIOD OF USE:

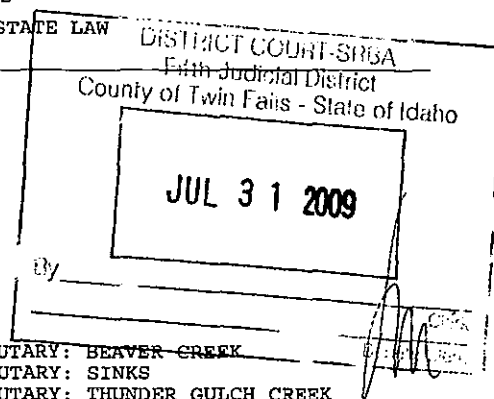
	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	1/01 12/31	0.020 CFS
PLACE OF USE:	<u>STOCKWATER in CLARK County</u>		
	T11N R35E S04 NENW	T11N R35E S04	SENW
	T11N R35E S04 NESW	T11N R35E S04	NWSE
	T11N R35E S04 SWSE	T11N R35E S33	NENE
	T11N R35E S33 SENE		

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCKWATER, 800 CATTLE



07/29/2009

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T11N R35E S33 SENE End of Stream Flow Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in CLARK County

T11N R35E S04	NENW	T11N R35E S04	SENW
T11N R35E S04	NESW	T11N R35E S04	NWSE
T11N R35E S04	SWSE	T11N R35E S33	NENE
T11N R35E S33	SENE		

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