

**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

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Subcase 34-10400

**ORDER DISMISSING
OBJECTION**

I.

DESCRIPTIVE SUMMARY

This order memorializes a previous order issued from the bench on October 20, 1999, dismissing an *Objection to Partial Decree 34-10400* filed on July 30, 1999, by Matea McCray.

II.

APPEARANCES

Matea McCray and John McCray, Objectors, *Pro Se*

Shane Rosenkrance, Claimant, *Pro Se*

III.

PROCEDURAL BACKGROUND

1. On November 24, 1997, Judge Hurlbutt issued an *Order of Partial Decree* for water right 34-10400 to Shane Rosenkrance and Mimi Rosenkrance.

2. On June 24, 1999, IDWR filed its *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revisions of the Following: Period of Use (for Irrigation Water Uses), Conjunctive Management General Provisions (Supplemental Director's Report)*. The deadline for objections to the *Supplemental Director's Report* was July 30, 1999.

3. On July 30, 1999, Matea McCray filed an *Objection to Partial Decree 34-10400*. The basis for McCray's objection is stated to be that too much water will be appropriated from a single source and that IDWR's recommendation is inappropriate. McCray's objection did not address the irrigation season of use or the general provisions recommended in the *Supplemental Director's Report*.

4. On August 30, 1999, this Court issued an *Order to Show Cause* directing John McCray and Matea McCray to appear before this Court to show cause, if any, why their objection to water right 34-10400 should not be summarily dismissed. The time and place scheduled for hearing on the *Order to Show Cause* was October 20, 1999, at the Butte County Courthouse in Arco, Idaho.

5. At the scheduled time and place, John McCray, Matea McCray, and Shane Rosenkrance appeared before the Court.

6. At the hearing on the *Order to Show Cause*, this Court announced from the bench the finding that John McCray and Matea McCray failed to demonstrate good cause why their objection should not be dismissed, and ordered that the objection is dismissed as beyond the scope of the *Supplemental Director's Report*.

IV. ORDER

Therefore, in accordance with the foregoing, IT IS HEREBY ORDERED that the *Objection to Partial Decree 34-10400* filed on July 30, 1999 by Matea McCray is DISMISSED with prejudice.

IT IS SO ORDERED:

DATED: Friday, June 30, 2000.

BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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.

Dated June 30, 2000.

BARRY WOOD
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication