

09/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2578
NAME AND ADDRESS: CAROL MC FARLAND
PO BOX 5178
TWIN FALLS ID 83301

DON MC FARLAND
PO BOX 268
EDEN ID 83325-0268

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.560 CFS
978.000 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9284 AF. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.

PRIORITY DATE: 04/29/1959

POINT OF DIVERSION:

T12S R21E S31 NESWNW Lot 2 Within CASSIA County
T12S R21E S31 SWSWNW Lot 2 Within CASSIA County
T13S R21E S5 NWSWSW Within CASSIA County
T13S R21E S5 SESWSW Within CASSIA County
T13S R21E S8 NESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
3.560 CFS
978.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T12S R20E S13	NENE	37.0	T12S R20E S13	NWNE	40.0
T12S R20E S13	SWNE	33.0	T12S R20E S13	SENE	39.0
T12S R20E S13	NESE	39.0	T12S R20E S13	NWSE	34.0
T12S R20E S13	SWSE	32.0	T12S R20E S13	SESE	31.0
T12S R21E S17	NENE	39.0	T12S R21E S17	NWNE	39.0
T12S R21E S17	SWNE	40.0	T12S R21E S17	SENE	40.0
T12S R21E S17	NENW	40.0	T12S R21E S17	NWNW	39.0
T12S R21E S17	SWNW	39.0	T12S R21E S17	SENW	40.0
T12S R21E S17	NESW	40.0	T12S R21E S17	NWSW	39.0
T12S R21E S17	SWSW	38.0	T12S R21E S17	SESW	39.0
T12S R21E S17	NESE	40.0	T12S R21E S17	NWSE	40.0
T12S R21E S17	SWSE	39.0	T12S R21E S17	SESE	39.0
T12S R21E S18	NENE	40.0	T12S R21E S18	NWNE	40.0
T12S R21E S18	SWNE	35.0	T12S R21E S18	SENE	40.0
T12S R21E S18	NENW	40.0	T12S R21E S18 Lot 1	NWNW	38.0
T12S R21E S18 Lot 2	SWNW	38.0	T12S R21E S18	SENW	35.0
T12S R21E S18	NESE	40.0	T12S R21E S18	NWSE	36.0
T12S R21E S18	SWSE	40.0	T12S R21E S18	SESE	40.0
T12S R21E S21	NENE	38.0	T12S R21E S21	NWNE	39.0

Water Right 45-2578

09/13/2004

IDAHO DEPARTMENT OF WATER RESOURCES
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T12S R21E S21	SWNE	40.0	T12S R21E S21	SENE	39.0
T12S R21E S22	NENE	38.0	T12S R21E S22	NWNE	40.0
T12S R21E S22	SWNE	40.0	T12S R21E S22	SENE	38.0
T12S R21E S22	NENW	40.0	T12S R21E S22	NWNW	38.0
T12S R21E S22	SWNW	38.0	T12S R21E S22	SENW	40.0
T12S R21E S22	NESW	40.0	T12S R21E S22	NWSW	38.0
T12S R21E S22	SWSW	37.0	T12S R21E S22	SESW	39.0
T12S R21E S22	NESE	39.0	T12S R21E S22	NWSE	40.0
T12S R21E S22	SWSE	39.0	T12S R21E S22	SESE	38.0
T12S R21E S27	NENW	40.0	T12S R21E S27	NWNW	38.0
T12S R21E S27	SWNW	38.0	T12S R21E S27	SENW	40.0

2311 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2368 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-7086D.

USE OF THIS RIGHT WITH RIGHT NO. 45-2597 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1434 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 473 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. Section 42-1412(6), Idaho Code.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

EXPLANATORY MATERIAL:

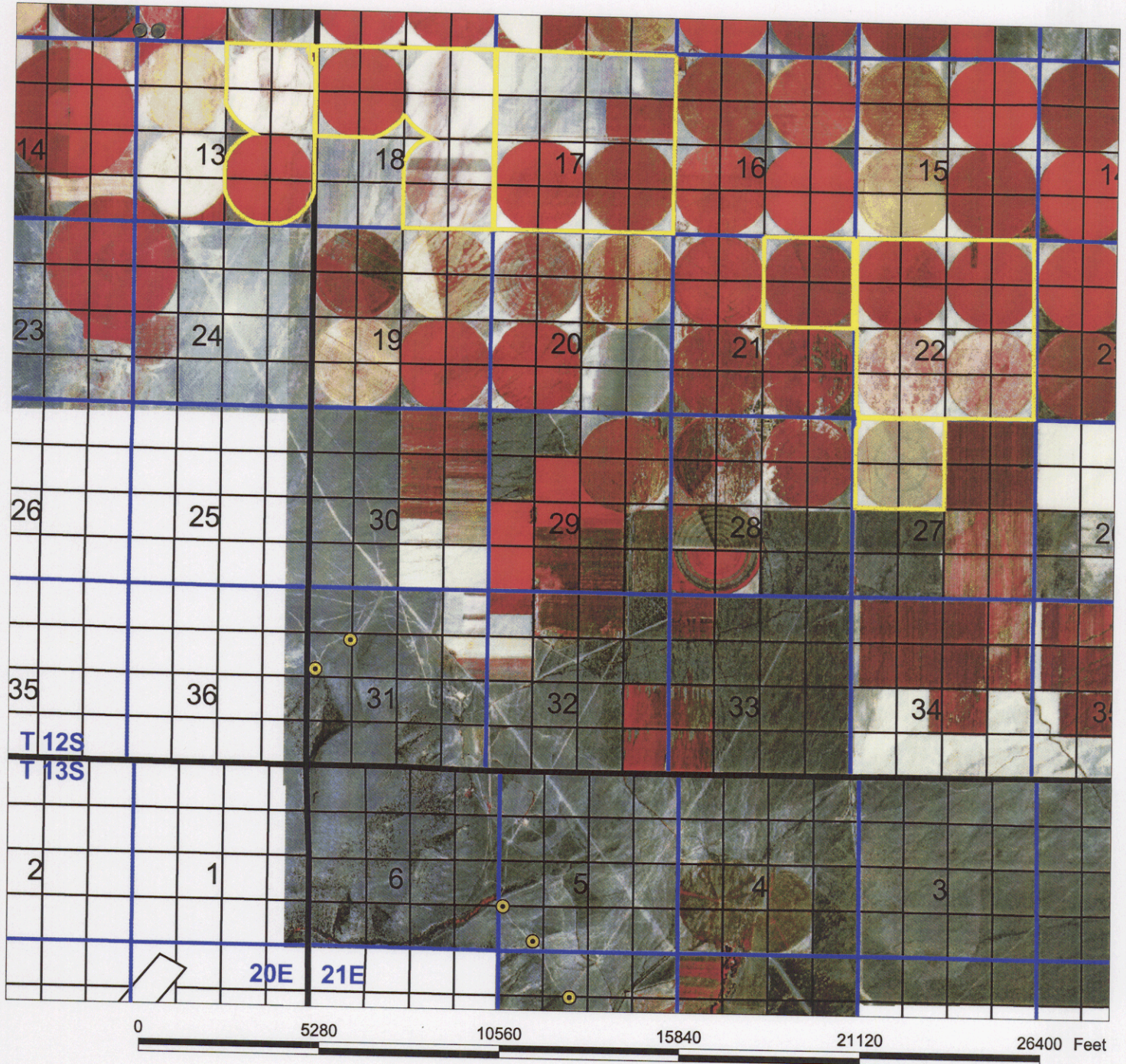
THIS RIGHT IS SUBJECT TO CONDITIONS FOUND IN DECREE DATED 6-25-1980.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

45-2578

RECOMMENDED PLACE OF USE
TWP 12S RNG 20E
TWP 12S, RNG 21E
TWP 13S, RNG 21E



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER SECTION LINES**



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK
SEPTEMBER 13, 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-2578 V2

WATER RIGHT NUMBER: 45-2578 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GOLDEN VALLEY LAND & CATTLE CO RT 1 MURTAUGH, ID 83344 (208)432-5400
Current Owner	CAROL MC FARLAND PO BOX 5178 TWIN FALLS, ID 83301 (208)734-0004
Current Owner	DON MC FARLAND PO BOX 268 EDEN, ID 83325-0268 (208)825-5256

Priority Date: 04/29/1959

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.560 CFS	978.00 AF
	<u>Total Diversion:</u>	3.560 CFS	978.00 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NE1/4SE1/4NW1/4	Sec. 8, Twp 13S, Rge 21E, B.M.
GROUND WATER CASSIA County	L2 (NE1/4SW1/4NW1/4)	Sec. 31, Twp 12S, Rge 21E, B.M.
GROUND WATER CASSIA County	L2 (SW1/4SW1/4NW1/4)	Sec. 31, Twp 12S, Rge 21E, B.M.
GROUND WATER CASSIA County	SE1/4SW1/4SW1/4	Sec. 5, Twp 13S, Rge 21E, B.M.
GROUND WATER CASSIA County	NW1/4SW1/4SW1/4	Sec. 5, Twp 13S, Rge 21E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-2578 V2

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	20E	13	37.0	40.0	33.0	39.0									39.0	34.0	32.0	31.0	285.0
12S	21E	17	39.0	39.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	39.0	40.0	40.0	39.0	39.0	630.0
12S	21E	18	40.0	40.0	35.0	40.0	40.0	38.0	38.0	35.0					40.0	36.0	40.0	40.0	462.0
								L 1	L 2										
12S	21E	21	38.0	39.0	40.0	39.0													156.0
12S	21E	22	38.0	40.0	40.0	38.0	40.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	39.0	40.0	39.0	38.0	622.0
12S	21E	27					40.0	38.0	38.0	40.0									156.0

Total Acres: 2311

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2368 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-7086D.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9284 AF. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.
3. Explanatory THIS RIGHT IS SUBJECT TO CONDITIONS FOUND IN DECREE DATED 6-25-1980.
4. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-2597 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1434 ACRES IN A SINGLE IRRIGATION SEASON.
5. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2578, 45-2597, 45-13627, 45-13628 & 45-13787.
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 473 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-2578 V2

Comments:

1. vhancock 9/13/2004 RECOMMENDATION

Comment: SRBA RECOMMENDATION VERSION 2 BASED UPON POST DIRECTORS REPORT TRANSFER 71248 APPROVED 8/31/04.

2. vhancock 9/13/2004 PRIOR DECREE

Comment: THIS LICENSED RIGHT WAS ENJOINED IN CASE 9818 IN 4TH DISTRICT COURT AND DECREED 6/25/1980.

3. vhancock 9/13/2004 POD

Comment: SRBA RECOMMENDED PODS ARE AS IDENTIFIED IN THE 1980 DECREE. WELLS RECOMMENDED ARE AT POWER POLES 211, 216, 217, 348 & 386. NOTE THAT A CLAIMED POD LEGAL IN NWNW SEC 31 WAS RECOMMENDED AS WELL 348 IN SWNW S31.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-2578
Date Received: 5/23/1989
Receipt No: S007291
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CAROL MC FARLAND Phone: (208)734-0004

PO BOX 5178
TWIN FALLS ID USA 83301

DON MC FARLAND Phone: (208)825-5256

PO BOX 268
EDEN ID USA 83325-0268

2. Date of Priority: 04/29/1959

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	21E	8	NE SE NW	CASSIA	
12S	21E	31	NE SW NW 2	CASSIA	
12S	21E	31	SW SW NW 2	CASSIA	
13S	21E	5	SE SW SW	CASSIA	
13S	21E	5	NW SW SW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3.56	978

7. Total Quantity Appropriated is:
3.56 C.F.S. and/or 978 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	20E	13	NE	NE	IRRIGATION	37
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	33
			SE	NE	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	34
			SW	SE	IRRIGATION	32
			SE	SE	IRRIGATION	31
					Section Acres	285
12S	21E	17	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	39
			SW	SW	IRRIGATION	38
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
					Section Acres	630
12S	21E	18	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	38
			NE	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			SW	NE	IRRIGATION	35
			SE	NW	IRRIGATION	35
			NW	SE	IRRIGATION	36
					Section Acres	462
12S	21E	21	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	39
					Section Acres	156
12S	21E	22	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	38
			NE	NW	IRRIGATION	40

NW	NW	IRRIGATION	38
SW	NW	IRRIGATION	38
SE	NW	IRRIGATION	40
NE	SW	IRRIGATION	40
NW	SW	IRRIGATION	38
SW	SW	IRRIGATION	37
SE	SW	IRRIGATION	39
NE	SE	IRRIGATION	39
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	39
SE	SE	IRRIGATION	38

Section Acres 622

12S 21E 27

NE	NW	IRRIGATION	40
NW	NW	IRRIGATION	38
SW	NW	IRRIGATION	38
SE	NW	IRRIGATION	40

Section Acres 156

Total Acres 2311

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

This right is subject to conditions found in decree dated 6/25/1980.

Use of the rights listed below is limited to the irrigation of a combined total of 2368 acres in a single irrigation season. Combined right nos.: 45-2578, 45-2597, 45-7086D.

Use of the rights listed below is limited to a total combined annual diversion volume of 9284 af. Combined right nos.: 45-2578, 45-2597, 45-13627, 45-13628, 45-13787.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right with right no. 45-2597 is limited to the irrigation of a combined total of 1434 acres in a single irrigation season.

Use of the rights listed below is limited to the irrigation of a combined total of 2321 acres in a single irrigation season. Combined right nos.: 45-2578, 45-2597, 45-13627, 45-13628, 45-13787.

This right is limited to the irrigation of 473 acres within the place of use described above in a single irrigation season.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed