

2007 JUN 13 PM 1:08

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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     | ) | Subcase 74-1562                     |
|                | ) | (McFarland Livestock Company, Inc.) |
| Case No. 39576 | ) |                                     |
|                | ) | SPECIAL MASTER REPORT               |
| _____          | ) |                                     |

**Findings of Fact**

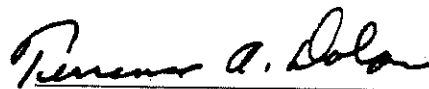
The Director of the Idaho Department of Water Resources filed his *Part I Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended claim 74-1562 to McFarland Livestock Company, Inc., c/o Tex J. Kauer, P.O. Box 50, Lemhi, Idaho, 83465, for 4.06 cfs from the Lemhi River to irrigate 123 acres in Lemhi County from March 15 to November 15 with a priority date of April 1, 1936, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on June 30, 2006, objecting to place of use. On May 8, 2007, Mr. Kauer and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to amend the acreage and place of use and add a remark.

**Conclusions of Law**

McFarland Livestock Company, Inc., is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 74-1562*.

DATED June 13, 2007.



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 74-01562

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NAME AND ADDRESS: MC FARLAND LIVESTOCK  
COMPANY INC  
C/O TEX J KAUER  
PO BOX 50  
LEMHI, ID 83465

SOURCE: LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.06 CFS

PRIORITY DATE: 04/01/1936

POINT OF DIVERSION: T17N R25E S32 NESE (Injection) Within Lemhi County  
S33 NWNW (Rediversion)  
NESW

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
Irrigation 03-15 TO 11-15 4.06 CFS

PLACE OF USE: Irrigation Within Lemhi County  
T17N R24E S14 SWNW 2.0 NESW 6.0  
NWSW 37.0 SWSW 27.0  
SESW 29.0 SWSE 16.0  
S15 NESE 5.0  
122.0 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 74-1556 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 284.9 ACRES IN A SINGLE  
IRRIGATION SEASON.

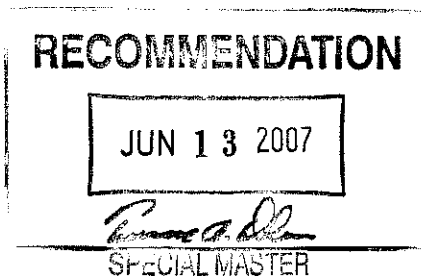
This right authorizes the irrigation of 121.5 total acres.  
Place of use does not include federal public lands.

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).

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 74-01562

CERTIFICATE OF MAILING

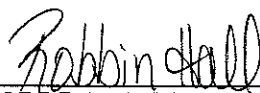
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 13, 2007, with sufficient first-class postage prepaid to the following:

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

MC FARLAND LIVESTOCK  
COMPANY INC  
C/O TEX J KAUER  
PO BOX 50  
LEMHI, ID 83465  
Phone: 208-768-2711

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

CERTIFICATE OF MAILING

  
ROBBIN HALL  
Deputy Clerk

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06/13/07

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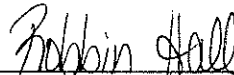
|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | NOTICE OF ISSUANCE OF    |
|                | ) | SPECIAL MASTER'S         |
| Case No. 39576 | ) | RECOMMENDATION           |
|                | ) |                          |
| _____          | ) | Water Right(s): 74-01562 |

On June 13, 2007, 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 June 13, 2007.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk