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DEPARTMENT OF
WATER RESOURCES

2008 OCT 22 PM 12:51

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) Subcases 75-63A, 75-77B, 75-2002,
Case No. 39576) 75-2128, 75-10061AN and 75-10923
) (McFarland)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. The Director recommended the above six claims to Bruce, Thomas and David McFarland, P.O. Box 124 or 125, Carmen, Idaho, 83462, for between .29 cfs and 1.96 cfs from Carmen Creek to irrigate 280.9 acres from April 1 to October 31 with priority dates between May 1, 1875, and March 20, 1957, based on a decree or license.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on October 17, 2007, objecting to place of use. On September 18, 2008, the McFarlands and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to amend the place of use to 280.7 acres.

Conclusions of Law

The McFarlands are entitled to partial decrees adjudicating water rights as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-63A, 75-77B, 75-2002, 75-2128, 75-10061AN and 75-10923*.

DATED October 22, 2008.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00063A

NAME AND ADDRESS: BRUCE A MC FARLAND
DAVID MC FARLAND
THOMAS MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.30 CFS
371.00 AFY

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.30 CFS 371.00 AFY

PLACE OF USE:	Irrigation	Within Lemhi County
T23N R22E S23	NESE 7.4	SESE 16.0
S24	NENW 9.5	NWNW 0.3
	SWNW 24.0	SENE 9.6
	NESW 12.0	NWSW 32.0
	SWSW 36.0	SESW 18.0
S25	NENW 11.0	NWNW 37.0
	SWNW 28.0	NWSW 1.8
S26	NENE 28.0	SENE 10.0
	NESE 0.1	
280.7 Acres Total		

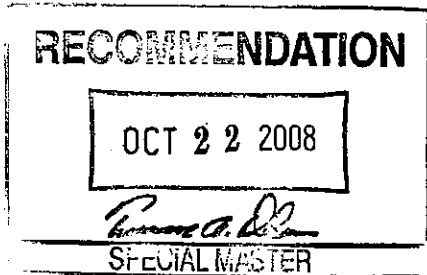
The rights listed below are limited to the irrigation of a combined total of 280.7 acres in a single irrigation season. Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923. This right is limited to the irrigation of 106 acres within the place of use described above in 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. 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

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 75-00077B

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN, ID 83462

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.70 CFS

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County
S24 SENENW
S25 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.70 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T23N R22E S23	NESE 7.4	SESE 16.0
S24	NENW 9.5	NWNW 0.3
	SWNW 24.0	SENW 9.6
	NESW 12.0	NWSW 32.0
	SWSW 36.0	SESW 18.0
S25	NENW 11.0	NWNW 37.0
	SWNW 28.0	NWSW 1.8
S26	NENE 28.0	SENE 10.0
	NESE 0.1	
	280.7 Acres Total	

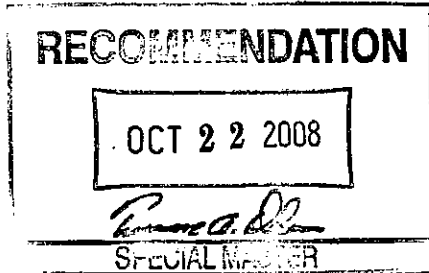
The rights listed below are limited to the irrigation of a
combined total of 280.7 acres in a single irrigation season.
Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341,
75-10061AN & 75-10923.

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

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 75-02002

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County

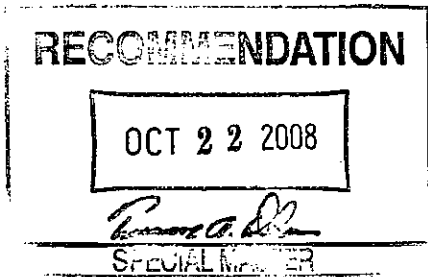
PLACE OF USE:	Irrigation		Within Lemhi County
	T23N R22E S23	NESE 7.4	SESE 16.0
	S24	NENW 9.5	NWNW 0.3
		SWNW 24.0	SENW 9.6
		NESW 12.0	NWSW 32.0
		SWSW 36.0	SESW 18.0
	S25	NENW 11.0	NWNW 37.0
		SWNW 28.0	NWSW 1.8
	S26	NENE 28.0	SENE 10.0
		NESE 0.1	
	280.7 Acres Total		

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

PAGE 1
Oct-16-2008

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

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)
_____) Water Right 75-02128

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

NAME AND ADDRESS: BRUCE A MC FARLAND
 PO BOX 124
 CARMEN, ID 83462

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.30 CFS

The rights listed below are limited to a total combined diversion
rate of 11.23 cfs.
Combined Right Nos. 75-63A, 75-77B, 75-2002, 752128, 75-10061AN,
and 75-10923.

PRIORITY DATE: 03/20/1957

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County
 S24 SENEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.30 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T23N R22E S23	NESE 7.4	SESE 16.0
	S24	NENW 9.5	NWNW 0.3
		SWNW 24.0	SENE 9.6
		NESW 12.0	NWSW 32.0
		SWSW 36.0	SESW 18.0
	S25	NENW 11.0	NWNW 37.0
		SWNW 28.0	NWSW 1.8
	S26	NENE 28.0	SENE 10.0
		NESE 0.1	
	280.7 Acres Total		

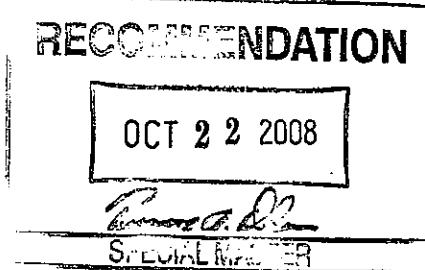
The rights listed below are limited to the irrigation of a
combined total of 280.7 acres in a single irrigation season.
Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341,
75-10061AN & 75-10923.
This right is limited to the irrigation of 15 acres within the
place of use described above in 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. 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

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)
_____) Water Right 75-10061AN

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

NAME AND ADDRESS: BRUCE A MC FARLAND
 PO BOX 124
 CARMEN, ID 83462

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.29 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County
 S24 SENENW
 S25 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.29 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T23N R22E S23	NESE 7.4	SESE 16.0
	S24	NENW 9.5	NWNW 0.3
		SWNW 24.0	SENW 9.6
		NESW 12.0	NWSW 32.0
		SWSW 36.0	SESW 18.0
	S25	NENW 11.0	NWNW 37.0
		SWNW 28.0	NWSW 1.8
	S26	NENE 28.0	SENE 10.0
		NESE 0.1	
	280.7 Acres Total		

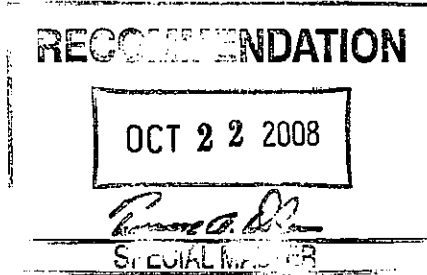
The rights listed below are limited to the irrigation of a
combined total of 280.7 acres in a single irrigation season.
Combined Right Nos.: 75-63A, 75-77B, 75-2002. 75-2128, 75-4341,
75-10061AN & 75-10923.

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

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John M. Melanson
Presiding Judge of the
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 75-10923

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN, ID 83462

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.96 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County
S24 SENENW
S25 NENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.96 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
T23N R22E S23	NESE 7.4	SESE 16.0
S24	NENW 9.5	NWNW 0.3
	SWNW 24.0	SENW 9.6
	NESW 12.0	NWSW 32.0
	SWSW 36.0	SESW 18.0
S25	NENW 11.0	NWNW 37.0
	SWNW 28.0	NWSW 1.8
S26	NENE 28.0	SENE 10.0
	NESE 0.1	
280.7 Acres Total		

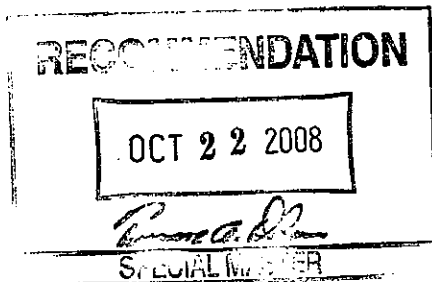
The rights listed below are limited to the irrigation of a combined total of 280.7 acres in a single irrigation season. Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923.

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

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

2008 OCT 22 PM 12:51

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 75-00063A
75-00077B 75-02002 75-02128
75-10061AN 75-10923

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 October 22, 2008, with sufficient first-class postage prepaid to the following:

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

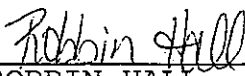
UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
10/22/08

BRUCE A MC FARLAND
DAVID MC FARLAND
THOMAS MC FARLAND
PO BOX 124
CARMEN, ID 83462
Phone: 208-756-4805

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462
Phone: 208-756-3752



ROBBIN HALL
Deputy Clerk

2008 OCT 22 PM 12:51

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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

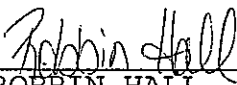
Water Right(s): 75-00063A
75-00077B 75-02002 75-02128
75-10061AN 75-10923

On October 22, 2008, 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 October 22, 2008.



ROBBIN HALL
Deputy Clerk