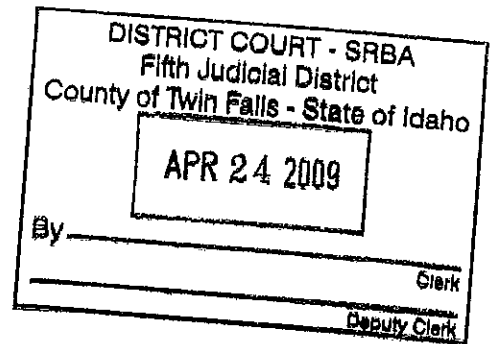


RECEIVED
APR 27 2009
DEPARTMENT OF
WATER RESOURCES



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 74-1560 and 74-2159
Case No. 39576) (McFarland Livestock Company, Inc.)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Reporting Area 23, IDWR Basin 74* on January 23, 2006. The Director recommended the claims to McFarland Livestock Company, Inc., c/o Tex J. Kauer, P.O. Box 50, Lemhi, Idaho, 83465, for .2 cfs and 2.2 cfs from springs and Mill Creek to irrigate 11 acres and 114 acres in Lemhi County from March 15 to November 15 with priority dates of June 1, 1969, and June 30, 1913, based on a decree.

IDWR identified both subcases as uncontested overlapping claims, but on January 28, 2008, McFarland Livestock and the United States of America, Department of Interior, Bureau of Land Management, with IDWR's concurrence, filed *Standard Forms 5*.

Conclusions of Law

McFarland Livestock Company, Inc., is 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 74-1560 and 74-2159*.

DATED April 24, 2009.

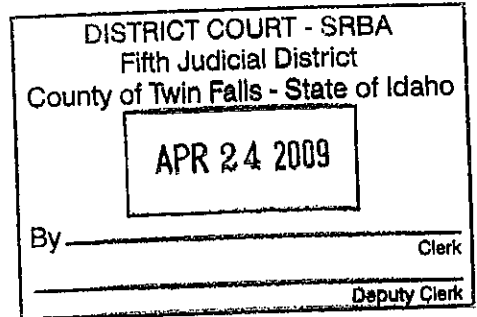
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 74-01560



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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.20 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.4 CFS.
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632, 74-15633

PRIORITY DATE: 06/01/1969

POINT OF DIVERSION: T16N R25E S08 NWNE Within Lemhi County
SENEW

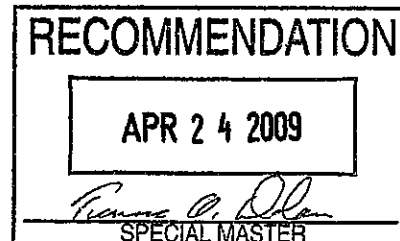
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.20 CFS

PLACE OF USE:	Irrigation		Within Lemhi County
	T16N R25E S05	NESW 4.1	SESW 26.0
		NWSE 18.0	SWSE 27.0
		SESE 36.0	
	S08	NENE 36.0	NWNE 38.0
		NENW 9.1	
	194.2 Acres Total		

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15634.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.3 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).



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 74-02159

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho APR 24 2009 By _____ Clerk _____ Deputy Clerk

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

SOURCE: MILL CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 2.20 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.4 CFS.

COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632, 74-15633

PRIORITY DATE: 06/30/1913

POINT OF DIVERSION: T16N R24E S15 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.20 CFS

PLACE OF USE:	Irrigation	Within Lemhi County	
	T16N R25E S05	NESW 4.1 NWSE 18.0 SESE 36.0 S08 NENE 36.0 NENW 9.1	SESW 26.0 SWSE 27.0 NWNE 38.0
	194.2 Acres Total		

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15634.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 113.6 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).

RECOMMENDATION APR 24 2009 _____ SPECIAL MASTER
--

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
APR 24 2009	
By _____	Clerk
_____	Deputy Clerk

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

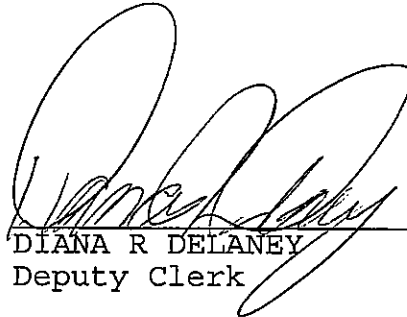
Water Right(s): 74-01560
74-02159

On April 24, 2009, 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.

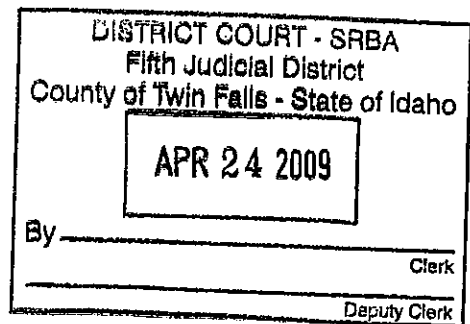
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 April 24, 2009.



DIANA R DELANEY
Deputy Clerk



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)
_____)

CERTIFICATE OF MAILING

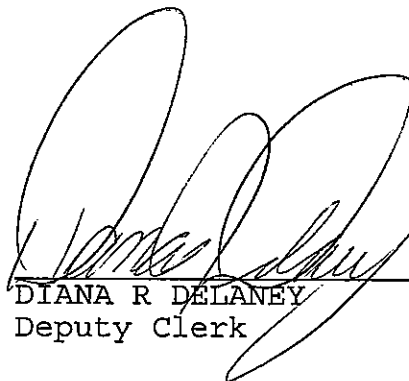
Water Right(s): 74-01560
74-02159

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 April 24, 2009, with sufficient first-class postage prepaid to the following:

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

MC FARLAND LIVESTOCK
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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04/24/09