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AUG 17 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 14 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

) ORDER GRANTING MOTION TO SET
) ASIDE PARTIAL DECREES and ORDER
) OF AMENDED PARTIAL DECREES TO
) CORRECT CLERICAL ERROR: I.R.C.P.
) 60(a)
)
) For water rights: 74-01560, 74-02159,
) 74-15632, and 74-15633
)

Partial Decrees were issued for water rights 74-15632 and 74-15633 on September 19, 2008. *Partial Decrees* were issued for water rights 74-01560 and 74-02159 on June 12, 2009. On August 13, 2009, McFarland Livestock Company, Inc., through counsel, filed a *Motion to Set Aside Partial Decrees*, indicating that the *Partial Decrees* for the above-captioned water rights contain errors in the Place of Use remark. The remark for each right lists the combined water rights as: 74-01560, 74-02159, 74-15632, and 74-15634. The combined water rights should read: 74-01560, 74-02159, 74-15632, and 74-15633. The Court finds this is due to a clerical error.

Therefore, pursuant to I.R.C.P. 60(b), the *Motion to Set Aside Partial Decrees* is granted.

Further, pursuant to I.R.C.P. 60(a), IT IS ORDERED that water rights **74-01560, 74-02159, 74-15632, and 74-15633** are hereby **amended and decreed** as set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated

August 14, 2009

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

2008 3 1 0 1

2008 3 1 0 1

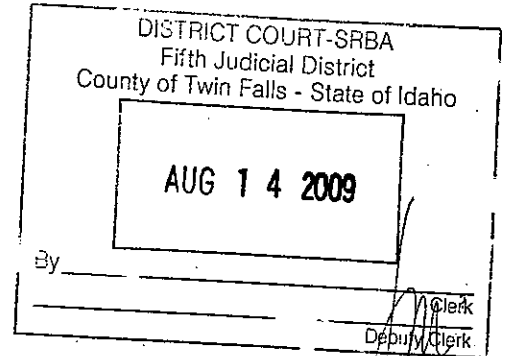
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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 NWNENW Within Lemhi County
SENENW

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 NWSE 18.0 SESE 36.0
	S08	NENE 36.0 NENW 9.1
	194.2 Acres Total	

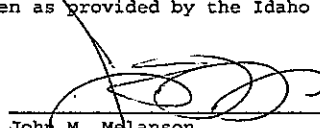
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15633.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11.3 ACRES WITHIN
THE PLACE 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).

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

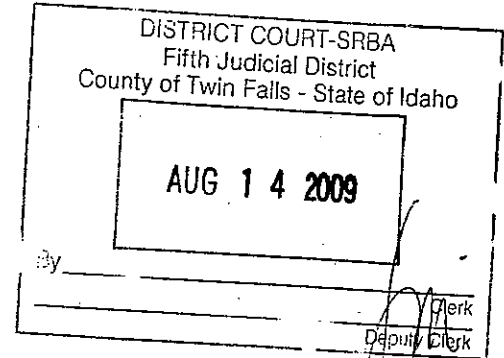
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 74-02159



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
	194.2 Acres Total	

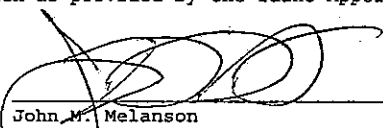
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15633.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 113.6 ACRES WITHIN
THE PLACE 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).

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-15632

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 14 2009

By _____
Clerk
Deputy Clerk

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

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.19 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: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T16N R25E S08 NWNENW Within Lemhi County
SENENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.19 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
	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 74-15633.

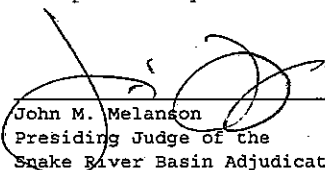
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-1560
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 74-15633

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 14 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: 0.91 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: 03/15/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

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	0.91 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 74-15633.

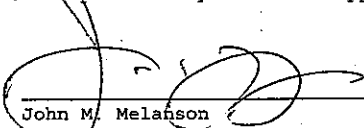
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-2159
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO SET ASIDE PARTIAL DECREES AND ORDER OF AMENDED PARTIAL DECREES TO CORRECT ERROR was mailed on August 14, 2009, with sufficient first-class postage to the following:

MC FARLAND LIVESTOCK
MC FARLAND LIVESTOCK CO INC

Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

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

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

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

