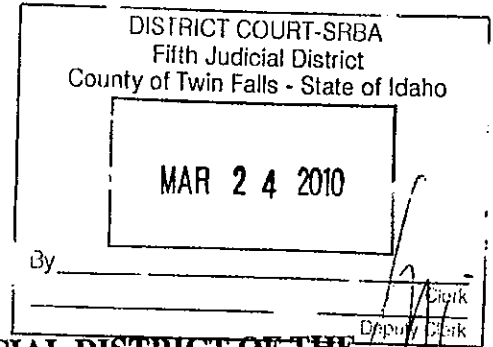




IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

Water Rights: 74-11, 74-12,
74-16, 74-29, 74-30
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
☐ Substitution of Party
XX IC § 42-222 transfer

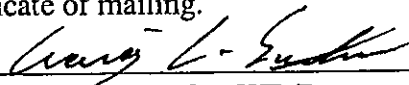
- XX Point of diversion XX Place of use
☐ Period of use ☐ Nature of use
☐ Split of water right ☐ Change in ownership
XX Other – Conditions & Remarks

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 3-22-10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 23, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

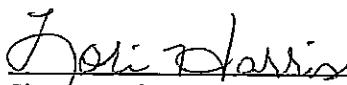
United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

Mc Farland Livestock Co Inc	☐ overnight mail
c/o Tex J Kauer	☒ regular mail
PO Box 50	☐ hand-delivered
Lemhi ID 83465	☐ facsimile

Robert L Harris	☐ overnight mail
Holden Kidwell Hahn Crapo	☒ regular mail
PO Box 50130	☐ hand-delivered
Idaho Falls ID 83405-0130	☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 74-11

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

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 1.600 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/27/1911

POINT OF DIVERSION:

T15N R27E S2 NWSWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	1.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

<u>T15N R27E S10</u>	<u>SWSE</u>	<u>17.00</u>	<u>T15N R27E S10</u>	<u>SESE</u>	<u>38.00</u>
<u>T15N R27E S11</u>	<u>SWSW</u>	<u>21.00</u>	<u>T15N R27E S14</u>	<u>NWNW</u>	<u>35.00</u>
<u>T15N R27E S14</u>	<u>SWNW</u>	<u>24.00</u>	<u>T15N R27E S14</u>	<u>SENE</u>	<u>16.00</u>
<u>T15N R27E S14</u>	<u>NESW</u>	<u>19.60</u>	<u>T15N R27E S14</u>	<u>NWSW</u>	<u>38.00</u>
<u>T15N R27E S14</u>	<u>SWSW</u>	<u>23.00</u>	<u>T15N R27E S14</u>	<u>SESW</u>	<u>36.00</u>
<u>T15N R27E S14</u>	<u>SWSE</u>	<u>6.80</u>	<u>T15N R27E S15</u>	<u>NENE</u>	<u>39.00</u>
<u>T15N R27E S15</u>	<u>NWNE</u>	<u>31.00</u>	<u>T15N R27E S15</u>	<u>SWNE</u>	<u>15.00</u>
<u>T15N R27E S15</u>	<u>SENE</u>	<u>32.00</u>	<u>T15N R27E S15</u>	<u>NESE</u>	<u>37.00</u>
<u>T15N R27E S15</u>	<u>NWSE</u>	<u>39.10</u>	<u>T15N R27E S15</u>	<u>SWSE</u>	<u>27.20</u>
<u>T15N R27E S15</u>	<u>SESE</u>	<u>27.00</u>			

521.7 ACRES TOTAL ~~77.3 ACRES TOTAL~~

Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not
exceed the irrigation of 521.7 acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-12 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 77.3 ACRES 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

RIGHT NUMBER: 74-12

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

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 2.000 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 10/16/1908

POINT OF DIVERSION:

T15N R27E S2 NWSWE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

<u>T15N R27E S10</u>	<u>SWSE</u>	<u>17.00</u>	<u>T15N R27E S10</u>	<u>SESE</u>	<u>38.00</u>		
<u>T15N R27E S11</u>	<u>SWSW</u>	<u>21.00</u>	<u>29.1</u>	<u>T15N R27E S14</u>	<u>NWNW</u>	<u>35.00</u>	<u>29.6</u>
<u>T15N R27E S14</u>	<u>SWNW</u>	<u>24.00</u>	<u>18.6</u>	<u>T15N R27E S14</u>	<u>SENW</u>	<u>16.00</u>	
<u>T15N R27E S14</u>	<u>NESW</u>	<u>19.60</u>		<u>T15N R27E S14</u>	<u>NWSW</u>	<u>38.00</u>	
<u>T15N R27E S14</u>	<u>SWSW</u>	<u>23.00</u>		<u>T15N R27E S14</u>	<u>SESW</u>	<u>36.00</u>	
<u>T15N R27E S14</u>	<u>SWSE</u>	<u>6.80</u>		<u>T15N R27E S15</u>	<u>NENE</u>	<u>39.00</u>	
<u>T15N R27E S15</u>	<u>NWNE</u>	<u>31.00</u>		<u>T15N R27E S15</u>	<u>SWNE</u>	<u>15.00</u>	
<u>T15N R27E S15</u>	<u>SENE</u>	<u>32.00</u>		<u>T15N R27E S15</u>	<u>NESE</u>	<u>37.00</u>	
<u>T15N R27E S15</u>	<u>NWSE</u>	<u>39.10</u>		<u>T15N R27E S15</u>	<u>SWSE</u>	<u>27.20</u>	
<u>T15N R27E S15</u>	<u>SESE</u>	<u>27.00</u>					

521.7 ACRES TOTAL ~~77.3 ACRES TOTAL~~

Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not
exceed the irrigation of 521.7 acres.

USE OF THIS RIGHT WITH RIGHT NO. 74-11 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 77.3 ACRES 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

RIGHT NUMBER: 74-16

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

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 6.400 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/13/1911

POINT OF DIVERSION:

T15N R27E S2 ~~N~~SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	6.400 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T15N R27E S10	SWSE	<u>17.00</u>	5.00	T15N R27E S10	SESE	<u>38.00</u>	5.00
T15N R27E S11	SWSW	<u>21.00</u>		T15N R27E S14	NWNW	<u>35.00</u>	
T15N R27E S14	SWNW	<u>24.00</u>		T15N R27E S14	SENW	<u>16.00</u>	
T15N R27E S14	NESW	<u>19.60</u>		T15N R27E S14	NWSW	<u>38.00</u>	
T15N R27E S14	SWSW	<u>23.00</u>		T15N R27E S14	SESW	<u>36.00</u>	
T15N R27E S14	SWSE	<u>6.80</u>		T15N R27E S15	NENE	<u>39.00</u>	40.00
T15N R27E S15	NWNE	<u>31.00</u>	34.00	T15N R27E S15	SWNE	<u>15.00</u>	40.00
T15N R27E S15	SENE	<u>32.00</u>	40.00	T15N R27E S15	NESE	<u>37.00</u>	40.00
T15N R27E S15	NWSE	<u>39.10</u>	40.00	T15N R27E S15	SWSE	<u>27.20</u>	40.00
T15N R27E S15	SESE	<u>27.00</u>	40.00				

521.7 ACRES TOTAL ~~324 ACRES TOTAL~~

This right is limited to the irrigation of 324 acres within the place of use
described above in a single irrigation season.

Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not
exceed the irrigation of 521.7 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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

RIGHT NUMBER: 74-29

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

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 0.700 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/01/1881

POINT OF DIVERSION:

T15N R27E S2 NWSWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.700 CFS

PLACE OF USE: IRRIGATION in LEMHI County

<u>T15N R27E S02</u>	<u>GWSW</u>	<u>10.50</u>	<u>T15N R27E S10</u>	<u>SENE</u>	<u>3.10</u>
<u>T15N R27E S10</u>	<u>SWSE</u>	<u>17.00</u>	<u>T15N R27E S10</u>	<u>SESE</u>	<u>38.00</u>
<u>T15N R27E S11</u>	<u>NENW</u>	<u>4.90</u>	<u>T15N R27E S11</u>	<u>NWNW</u>	<u>18.50</u>
<u>T15N R27E S11</u>	<u>SWNW</u>	<u>38.00</u>	<u>T15N R27E S11</u>	<u>SENW</u>	<u>7.10</u>
<u>T15N R27E S11</u>	<u>NWSW</u>	<u>38.30</u>	<u>T15N R27E S11</u>	<u>SWSW</u>	<u>21.00</u>
<u>T15N R27E S14</u>	<u>NWNW</u>	<u>35.00</u>	<u>T15N R27E S14</u>	<u>SWNW</u>	<u>24.00</u>
<u>T15N R27E S14</u>	<u>SENW</u>	<u>16.00</u>	<u>T15N R27E S14</u>	<u>NESW</u>	<u>19.60</u>
<u>T15N R27E S14</u>	<u>NWSW</u>	<u>38.00</u>	<u>T15N R27E S14</u>	<u>SWSW</u>	<u>23.00</u>
<u>T15N R27E S14</u>	<u>SESW</u>	<u>36.00</u>	<u>T15N R27E S14</u>	<u>SWSE</u>	<u>6.80</u>
<u>T15N R27E S15</u>	<u>NENE</u>	<u>39.00</u>	<u>T15N R27E S15</u>	<u>NWNE</u>	<u>31.00</u>
<u>T15N R27E S15</u>	<u>SWNE</u>	<u>15.00</u>	<u>T15N R27E S15</u>	<u>SENE</u>	<u>32.00</u>
<u>T15N R27E S15</u>	<u>NESE</u>	<u>37.00</u>	<u>T15N R27E S15</u>	<u>NWSE</u>	<u>39.10</u>
<u>T15N R27E S15</u>	<u>SWSE</u>	<u>27.20</u>	<u>T15N R27E S15</u>	<u>SESE</u>	<u>27.00</u>

521.7 ACRES TOTAL ~~120.4 ACRES TOTAL~~

USE OF THIS RIGHT WITH RIGHT NO. 74-30 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 120.4 ACRES IN A SINGLE IRRIGATION
SEASON.

Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not
exceed the irrigation of 521.7 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

RIGHT NUMBER: 74-30

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

SOURCE: HAWLEY CREEK

TRIBUTARY: EIGHTEENMILE CREEK

QUANTITY: 5.000 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/01/1883

POINT OF DIVERSION:

T15N R27E S2 NWSWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	5.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

<u>T15N R27E S02</u>	<u>SWSW</u>	<u>10.50</u>	<u>T15N R27E S10</u>	<u>SENE</u>	<u>3.10</u>
<u>T15N R27E S10</u>	<u>SWSE</u>	<u>17.00</u>	<u>T15N R27E S10</u>	<u>SESE</u>	<u>38.00</u>
<u>T15N R27E S11</u>	<u>NENW</u>	<u>4.90</u>	<u>T15N R27E S11</u>	<u>NWNW</u>	<u>18.50</u>
<u>T15N R27E S11</u>	<u>SWNW</u>	<u>38.00</u>	<u>T15N R27E S11</u>	<u>SENW</u>	<u>7.10</u>
<u>T15N R27E S11</u>	<u>NWSW</u>	<u>38.30</u>	<u>T15N R27E S11</u>	<u>SWSW</u>	<u>21.00</u>
<u>T15N R27E S14</u>	<u>NWNW</u>	<u>35.00</u>	<u>T15N R27E S14</u>	<u>SWNW</u>	<u>24.00</u>
<u>T15N R27E S14</u>	<u>SENW</u>	<u>16.00</u>	<u>T15N R27E S14</u>	<u>NESW</u>	<u>19.60</u>
<u>T15N R27E S14</u>	<u>NWSW</u>	<u>38.00</u>	<u>T15N R27E S14</u>	<u>SWSW</u>	<u>23.00</u>
<u>T15N R27E S14</u>	<u>SESW</u>	<u>36.00</u>	<u>T15N R27E S14</u>	<u>SWSE</u>	<u>6.80</u>
<u>T15N R27E S15</u>	<u>NENE</u>	<u>39.00</u>	<u>T15N R27E S15</u>	<u>NWNE</u>	<u>31.00</u>
<u>T15N R27E S15</u>	<u>SWNE</u>	<u>15.00</u>	<u>T15N R27E S15</u>	<u>SENE</u>	<u>32.00</u>
<u>T15N R27E S15</u>	<u>NESE</u>	<u>37.00</u>	<u>T15N R27E S15</u>	<u>NWSE</u>	<u>39.10</u>
<u>T15N R27E S15</u>	<u>SWSE</u>	<u>27.20</u>	<u>T15N R27E S15</u>	<u>SESE</u>	<u>27.00</u>

521.7 ACRES TOTAL ~~120.4 ACRES TOTAL~~

USE OF THIS RIGHT WITH RIGHT NO. 74-29 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 120.4 ACRES IN A SINGLE IRRIGATION
SEASON.

Rights 74-11, 74-12, 74-16, 74-29, and 74-30 when combined shall not
exceed the irrigation of 521.7 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.

The following rights are diverted through point(s) of diversion described above: 74-11, 74-12, 74-16, 74-29, and 74-30.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.