



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 16, 2010

Bruce McFarland
PO Box 125
Carmen, ID 83462

RE: SRBA Subcase No. 75-14497

Dear Bruce:

While reviewing other rights in Basin 75, the Department has identified an error with the original split analysis prepared by Ernie Carlsen for the subject water right.

Enclosed please find a copy of an e-mail from Greg Taylor, explaining that the total quantity included in the McNutt decree for 75-14497 was 1.0 cfs and a copy of the NCAP submitted to the SRBA court when the water rights were split. When the NCAP for 75-14497 was submitted to the court on April 9, 2008, it listed the quantity for this right as being 0.9~~9~~6 cfs and Remington Ridge 0.34 cfs. Clearly these two totals exceed the quantity provided for in the original McNutt decree. This error was then carried over into the SF5 that IDWR prepared and sent to you for your signature. The correct quantity for water right no. 75-14497 should be shown as 0.9~~9~~6 cfs.

I am also enclosing an amended SF5 for your review and signature that corrects the error. If the amended SF5 is acceptable, please sign on the indicated signature lines, initial the revised recommendations and forward the original documents to Bonnie McFarland, David McFarland, Janet McFarland, Tom McFarland and Teresa McFarland. Please have them sign on the indicated signature lines, initial the revised recommendations and **return the original documents to me**. I will sign and file the documents with the court.

I apologize for any confusion or inconvenience this matter may cause. If you should have any questions, please do not hesitate to contact me at (208) 287-4811.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Baxter", written over a horizontal line.

GARRICK BAXTER
Deputy Attorney General
Idaho Department of Water Resources

Enclosures

Attachment A

Baxter, Garrick

From: Taylor, Greg
Sent: Thursday, December 16, 2010 12:14 PM
To: Baxter, Garrick
Cc: Cooley-Denney, Suzy
Subject: 75-14497 (Bruce McFarland)
Attachments: bruce 10.pdf

Garrick ~

While reviewing Remington Ridge's recommendations to submit SF5s to the court it came to my attention that Bruce McFarland's partial decree for the subject water right has an error for the quantity. The total of the McNutt decree for this right was for 1.0 cfs. When the NCAP for 75-14497 was submitted 4/9/2008 it gave Bruce McFarland 0.996 cfs and Remington Ridge 0.34 cfs. Obviously these two totals exceed the original McNutt decree.

Looking at the split analysis Ernie Carlsen prepared (attached for your convenience), the amount for 75-14497 should be 0.966. It doesn't appear that any additional changes are required.

If you have any questions, give me a ring.

~ Greg

Water Right Number: 75-67
Total Diversion Rate: 1.00
Total Acres 283.8

	CFS	Acres	CFS per ACRE
75-67	1.00	293.8	0.0034
McFarland	0.968	283.8	0.0034
Remington	0.034	10.0	0.0034
	1.00	293.8	

75-67
↳ 75-14497 - McFarland
↳ 75-14498 - Remington

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2008 APR 11 AM 10 04

RECEIVED

APR 15 2008

DEPARTMENT OF
WATER RESOURCES

COPY

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

)

Water Rights: 75-67

(Split into 75-14497 & 75-14498)

)

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

_____ IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party MC FARLAND-REMINGTON RIDGE LLC

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

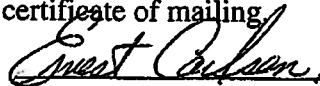
☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

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 Reports* for said water rights. 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: 4-9-08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 10, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Bruce McFarland David McFarland Tom McFarland
Bonnie McFarland Janet McFarland Teresa McFarland
PO Box 125 PO Box 125 PO Box 125
Carmen ID 83462 Carmen ID 83462 Carmen ID 83462

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Remington Ridge LLC
308 Bullion
Hailey ID 83333

4. One copy to:

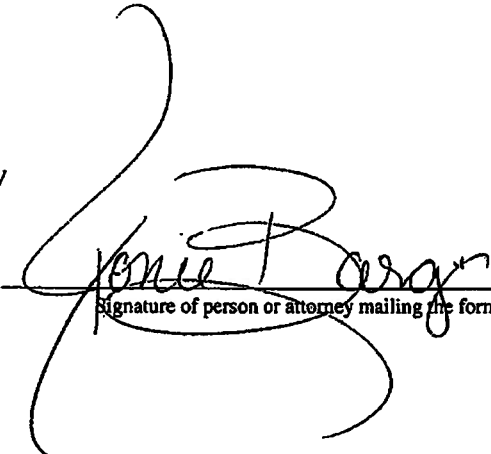
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/9/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

75-67

CLAIM DISPOSITION REASON

Disallowed

Split into: 75-14497 and 75-14498

04/04/2008

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

RIGHT NUMBER: 75-14497
NAME AND ADDRESS: BRUCE MC FARLAND
PO BOX 125
CARMEN ID 83462

BONNIE MC FARLAND
PO BOX 125
CARMEN ID 83462

DAVID MC FARLAND
PO BOX 125
CARMEN ID 83462

JANET MC FARLAND
PO BOX 125
CARMEN ID 83462

TOM MC FARLAND
PO BOX 125
CARMEN ID 83462

TERESA MC FARLAND
PO BOX 125
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.996 CFS
PRIORITY DATE: 05/01/1885
POINT OF
DIVERSION: T22N R22E S3 NWSE Within LEMHI County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/01 10/31		0.996 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T22N R22E S09	SWNE	22.00	T22N R22E S09	SENW 0.30
	T22N R22E S09	NESW	32.00	T22N R22E S09	NWSW 3.90
	T22N R22E S09	SWSW	34.00	T22N R22E S09	SESW 38.00
	T22N R22E S09	NESE	36.00	T22N R22E S09	NWSE 36.00
	T22N R22E S09	SWSE	37.00	T22N R22E S16	NWNE 20.00
	T22N R22E S16	NENW	24.60		

283.8 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 283.8 acres in a single irrigation season. Combined Right Nos.: 75-14497, 75-14499, 75-14501, 75-14503 and 75-14505.

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

This right is a split from former right 75-67 .

04/04/2008

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

RIGHT NUMBER: 75-14498

NAME AND ADDRESS: REMINGTON RIDGE, LLC
308 BULLION
HAILEY ID 83333

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.034 CFS

PRIORITY DATE: 05/01/1885

POINT OF

DIVERSION: T22N R22E S3 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.034 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S16

NENW

9.40

T22N R22E S16

SENW

0.60

10 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 10 acres in a single irrigation season. Combined Right Nos.: 75-14498, 75-14500, 75-14502, 75-14504 and 75-14506.

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

This right is a split from former right 75-67 .

Attachment B

In Re SRBA	)	Subcase No. 75-14497
	)	
Case No. 39576	)	AMENDED
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Janet McFarland, Pro Se Date

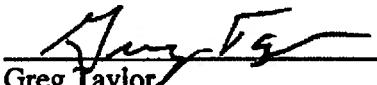
CLAIMANT
Tom McFarland

CLAIMANT
Teresa McFarland

Tom McFarland, Pro Se Date

Teresa McFarland, Pro Se Date

IDWR Concurrence:

 12/12/10

Greg Taylor Date
Stream Channel Protection Specialist

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

07/23/2010

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

RIGHT NUMBER: 75-14497

NAME AND ADDRESS: BRUCE MC FARLAND
BONNIE MC FARLAND
DAVID MC FARLAND
JANET MC FARLAND
TOM MC FARLAND
TERESA MC FARLAND
PO BOX 125
CARMEN ID 83462

G. F.

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: ~~0.9960~~.966 CFS

PRIORITY DATE: 05/01/1885

POINT OF
DIVERSION:

T22N R22E S3 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.9960~~ .966 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S09	NWNE	8.00	T22N R22E S09	SWNE	~~22.00~~ 35.00
T22N R22E S09	SENE	~~0.30~~ 18.00	T22N R22E S09	NESW	~~32.00~~ 37.00
T22N R22E S09	NWSW	~~3.90~~ 18.00	T22N R22E S09	SWSW	~~24.00~~ 36.00
T22N R22E S09	SESW	~~28.00~~ 37.00	T22N R22E S09	NESE	~~26.00~~ 38.00
T22N R22E S09	NWSE	~~26.00~~ 37.00	T22N R22E S09	SWSE	~~27.00~~ 38.00
T22N R22E S16	NWNE	~~20.00~~ 21.00	T22N R22E S16	NENW	~~24.60~~ 27.00

~~282.8~~350 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~282.8~~350 acres in a single irrigation season. Combined Right Nos.: 75-14497, 75-14499, 75-14501, 75-14503 and 75-14505.

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

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

BONNIE MC FARLAND
BRUCE MC FARLAND
DAVID MC FARLAND
JANET MC FARLAND
TERESA MC FARLAND
TOM MC FARLAND
PO BOX 125
CARMEN, ID 83462

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

Signature of person or attorney mailing form