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DEC 23 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
DEC 22 2010	
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) Subcases 75-62, 75-68B, 75-4333, 75-10061V
Case No. 39576) and 75-10062T
) (Carmen Land & Livestock, Inc.)
)
) 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 claims to Carmen Land & Livestock, Inc., c/o Dave McFarland, P.O. Box 124, Carmen, Idaho, 83462, for 2.5 cfs, 1.4 cfs, 5.66 cfs, .58 cfs and .32 cfs from Carmen Creek to irrigate 261.5 acres in Lemhi County from April 1 to October 31 with priority dates of May 2, 1882, May 1, 1896, April 1, 1915, May 1, 1875, and May 1, 1882, based a decree.

Mr. McFarland filed an *Objection* in subcase 75-4333 on October 17, 2007, objecting to quantity and period of year. On December 17, 2010, the claimant, with IDWR concurrence, filed *Standard Forms 5* in all five subcases, including the four claims IDWR identified as unobjected.

Conclusions of Law

The claimant is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED December 22, 2010.



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
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 75-00062

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.50 CFS

PRIORITY DATE: 05/02/1882

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

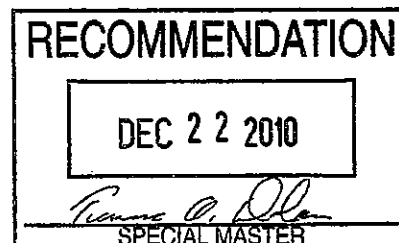
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.50 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5	LOT 4 (NWNW) 27.0
		SWNW 1.9
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
		SWNW 0.2
		SENE 24.0
		NESW 39.0
		NWSW 21.0
		SESW 30.0
		SWSE 0.3
	290.0 Acres Total	

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and 75-10062T.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00068B

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.40 CFS

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.40 CFS

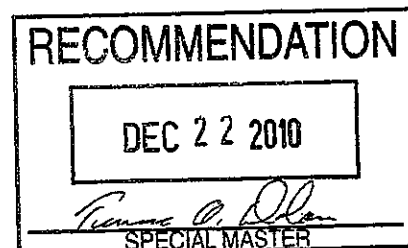
PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5 LOT 4 (NWNW) 27.0	
	SWNW 1.9	
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
	SWNW 0.2	SENE 24.0
	NESW 39.0	NWSW 21.0
	SWSW 39.0	SESW 30.0
	NWSE 18.0	SWSE 0.3
	290.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and 75-10062T.

This right is limited to the irrigation of 160 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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-04333

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.80 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

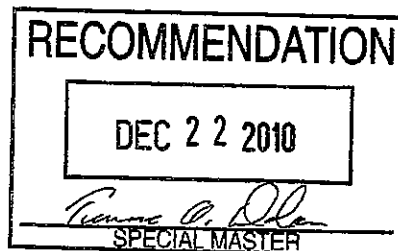
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-15	6.80 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5	LOT 4 (NWNW) 27.0
		SWNW 1.9
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
		SWNW 0.2
		SENE 24.0
		NESW 39.0
		NWSW 21.0
		SWSW 39.0
		SESW 30.0
		NWSE 18.0
	290.0 Acres Total	SWSE 0.3

The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and 75-10062T.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-10061V

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.58 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

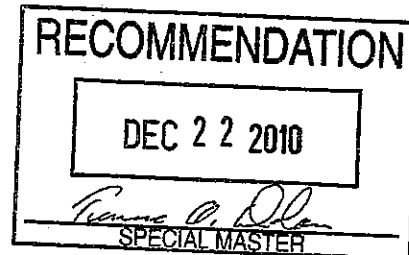
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.58 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5	LOT 4 (NWNW) 27.0
		SWNW 1.9
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
		SENE 24.0
		NWSW 21.0
		SESW 30.0
		SWSE 0.3
	290.0 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 290 acres in a single irrigation season.
Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and
75-10062T.

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 75-10062T

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC.
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.32 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

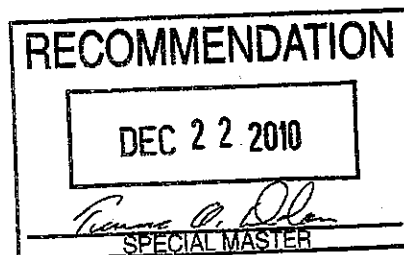
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.32 CFS

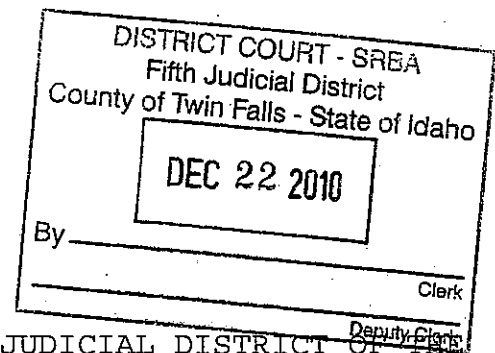
PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5	LOT 4 (NWNW) 27.0
		SWNW 1.9
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
		SWNW 0.2
		SENE 24.0
		NESW 39.0
		NWSW 21.0
		SWSW 39.0
		SESW 30.0
		NWSE 18.0
		SWSE 0.3
	290.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and 75-10062T.

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
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

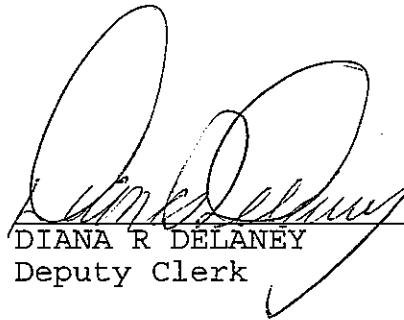
Water Right(s): 75-00062
75-00068B 75-04333 75-10061V
75-10062T

On December 22, 2010, 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.

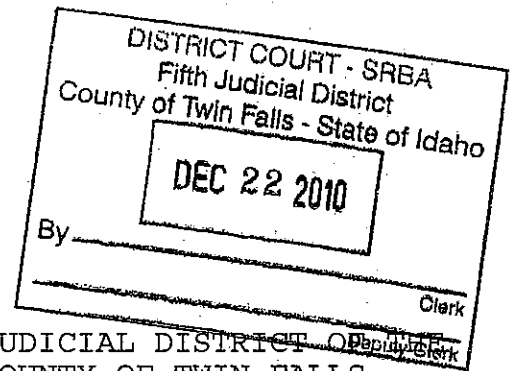
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 December 22, 2010.



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): 75-00062
75-00068B 75-04333 75-10061V
75-10062T

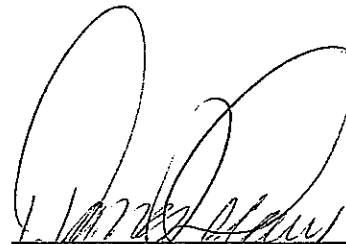
CERTIFICATE OF MAILING

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 December 22, 2010, with sufficient first-class postage prepaid to the following:

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

CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462
Phone: 208-756-3752

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


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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