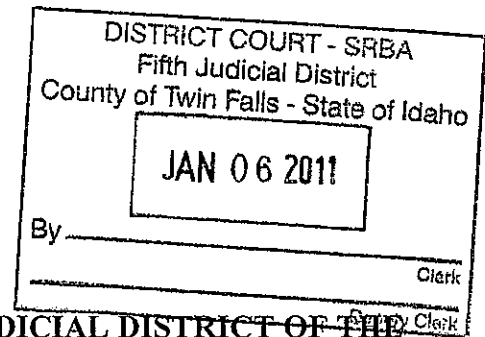


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JAN 07 2011

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 75-10061M, 75-10062K, 75-10318,
Case No. 39576) 75-14501, 75-14503 and 75-14505
) (McFarland)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION
)

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 claims 75-10061M, 75-10062K and 75-10318, filed by Bruce, Bonnie, David, Janet, Tom and Teresa McFarland, P.O. Box 125, Carmen, Idaho, 83462, for .58 cfs, .32 cfs, and 1.8 cfs from Carmen Creek to irrigate 293.8 acres in Lemhi County from April 1 to October 31 with priority dates of May 1, 1875, May 1, 1882, and May 1, 1874, based on a decree.

On April 11, 2008, IDWR filed *Notices of Completed Administrative Proceeding* for the following splits: 75-10061M (75-14501 and 75-14502), 75-10062K (75-14503 and 75-14504) and 75-10318 (75-14505 and 75-14506). On December 20, 2010, the claimants, with IDWR's concurrence filed *Standard Forms 5* in subcases 75-14501, 75-14503 and 75-14505.¹

Conclusions of Law

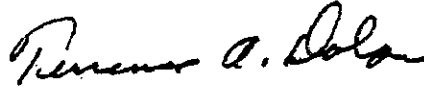
1. The McFarlands are entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 75-14501, 75-14503 and 75-14505*; and
2. The claimants are **not** entitled to water rights for claims 75-10061M, 75-10062K and 75-10318 because of the splits.

¹ Subcases 75-14502, 75-14504 and 75-14506 remain unresolved.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 75-10061M, 75-10062K and 75-10318 be **disallowed**.

DATED January 6, 2011.

A handwritten signature in black ink, appearing to read "Terrence A. Dolan".

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
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 75-14501

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

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.56 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S03 NWSE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.56 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S09
NWNE 8.0 SWNE 35.0
SENE 18.0 NESW 37.0
NWSW 18.0 SWSW 36.0
SESW 37.0 NESE 38.0
NWSE 37.0 SWSE 38.0
S16 NWNE 21.0 NENW 27.0
350.0 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 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. 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

JAN - 6 2011

Thomas A. Olson
SPECIAL MASTER

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.F. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14503

The rights listed below are limited to the irrigation of a combined total of 350 acres in a single irrigation season. Combined Right Nos.: 75-14497, 7514499, 75-14501, 75-14503 and 75-14505.

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).

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.

Eric J. Wildman
Presiding Judge of the
State Bar of Texas Judicial Branch

RECOMMENDATION

JAN - 6 2011

Thomas A. Olsen
SPECIAL MASTER

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 75-14505

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

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.739 CFS

PRIORITY DATE: 05/01/1874

POINT OF DIVERSION: T22N R22E S03 NWSE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.739 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S09	NWNE 8.0 SWNE 35.0
		SENE 18.0 NESW 37.0
		NWSW 18.0 SWSW 36.0
		SESW 37.0 NESE 38.0
		NWSE 37.0 SWSE 38.0
	S16	NWNE 21.0 NENW 27.0
	350.0 Acres Total	

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

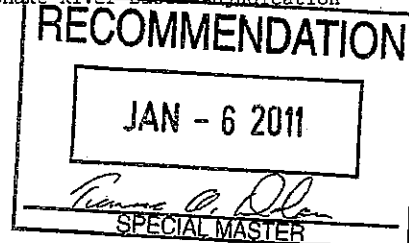
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

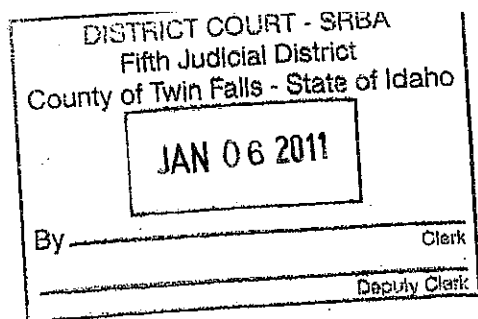
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Eric J. Wildman
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

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 75-10061M
75-10062K 75-10318 75-14501
75-14503 75-14505

On January 06, 2011, 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.

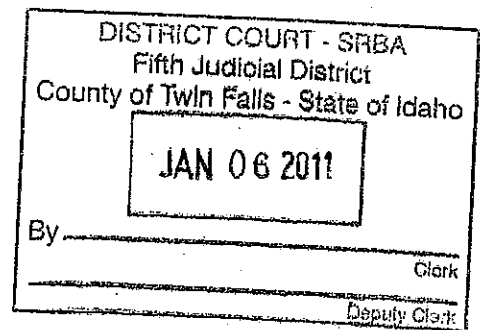
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 January 06, 2011.



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): 75-10061M
75-10062K 75-10318 75-14501
75-14503 75-14505

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 January 06, 2011, with sufficient first-class postage prepaid to the following:

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

BONNIE MC FARLAND
BRUCE MC FARLAND
DAVID MC FARLAND
JANET MC FARLAND
TERESA MC FARLAND
TOM MC FARLAND
PO BOX 125
CARMEN, ID 83462
Phone: 208-756-2490

A handwritten signature in cursive script, appearing to read "Diana R. Delaney".

DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/11