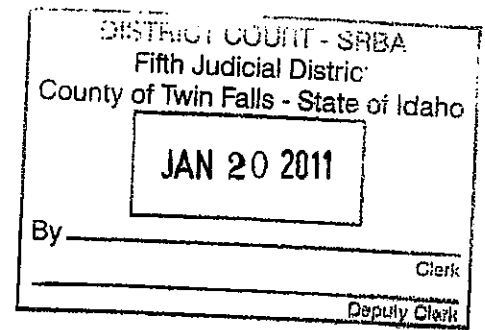


RECEIVED
JAN 21 2011
DEPARTMENT OF
WATER RESOURCES



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 75-4330 and 75-14499
Case No. 39576) (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 claim 75-4330, filed by Bruce, Bonnie, David, Janet, Tom and Teresa McFarland, P.O. Box 125, Carmen, Idaho, 83462, for 8.05 cfs from Carmen Creek to irrigate 293.8 acres in Lemhi County from April 1 to October 31 with a priority date of April 1, 1915, based on beneficial use.

Dave McFarland filed an *Objection* in subcase 75-4330 on October 17, 2007, objecting to quantity and period of year. On April 11, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* for a split of 75-4330 and substitution of party: 75-14499 (McFarland) and 75-14500 (Remington Ridge, LLC).¹ On December 20, 2010, the McFarlands, with IDWR's concurrence, filed a *Standard Form 5* in subcase 75-14499.

Conclusions of Law

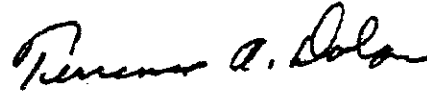
1. The McFarlands are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 75-14499*; and
2. The claimants are **not** entitled to a water right for claim 75-4330 because of the split.

¹ Subcase 75-14500 remains unresolved.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 75-4330 be **disallowed**.

DATED January 20, 2011.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

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 75-14499

NAME AND ADDRESS: BONNIE MC FARLAND
BRUCE A MC FARLAND
DAVID M MC FARLAND
JANET MC FARLAND
TERESA MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 10.39 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION: T22N R22E S03 NWSE Within Lemhi County
S09 SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	10.39 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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 20 2011	
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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 75-04330

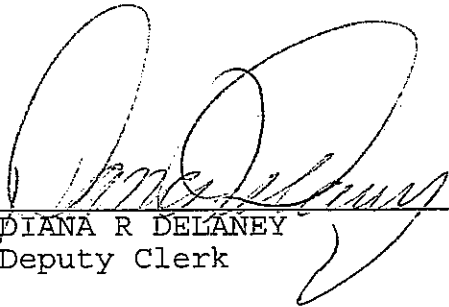
75-14499

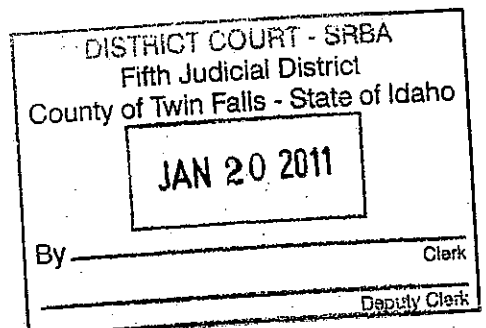
On January 20, 2011, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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 20, 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

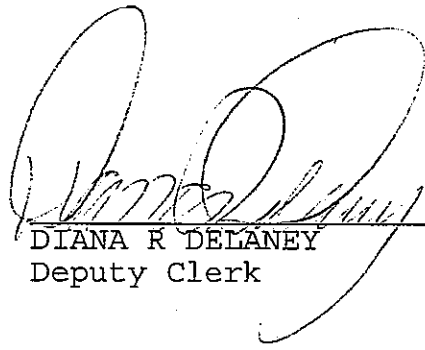
Water Right(s): 75-04330
75-14499

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 20, 2011, with sufficient first-class postage prepaid to the following:

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

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


DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/20/11