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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 9 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	) Subcase 75-14497
	) (McFarland)
Case No. 39576	)
	) 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 75-67 to Bruce, Bonnie, David, Janet, Tom and Teresa McFarland, P.O. Box 125, Carmen, Idaho, 83462, for 1 cfs from Carmen Creek to irrigate 293.8 acres in Lemhi County from April 1 to October 31 with a priority date of May 1, 1885, based a decree.

On April 11, 2008, IDWR filed a *Notice of Completed Administrative Proceeding* for a split of 75-67 into 75-14497 (McFarland) and 75-14498 (Remington Ridge, LLC). When no one objected to the *NCAP*, claim 75-67 was disallowed and water rights 75-14497 and 75-14498 were partially decreed on April 1, 2009.

On December 17, 2010, the McFarlands, with IDWR's concurrence filed a *Standard Form 5* in subcase 75-14497 deemed to be a motion to set aside and amend the *Partial Decree*. SRBA Presiding Judge Eric J. Wildman entered an *Order of Reference* on January 5, 2011, and on January 27, 2011, the claimants, with IDWR's concurrence, filed an *Amended SF-5* to correct the quantity and places of use.

Conclusions of Law

The McFarlands have shown good cause to set aside and amend the *Partial Decree* in subcase 75-14497 as described in the *Amended SF-5* and the attached *Special Master Recommendation for Amended Partial Decree for Water Right 75-14497*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* in subcase 75-14497 be set aside and the proposed amended partial decree be entered to correct errors.

DATED February 9, 2011.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is fluid and cursive, with the first name being the most prominent.

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)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-14497

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: 0.966 CFS

PRIORITY DATE: 05/01/1885

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	0.966 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	

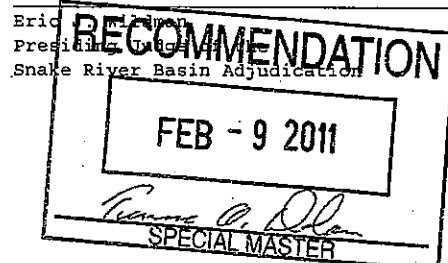
The rights listed below are limited to the irrigation of a combined total of 350 acres in a single irrigation season.
Combined Right Nos.: 75-14497, 75-14499, 75-14501, 75-14503 and 75-14505.

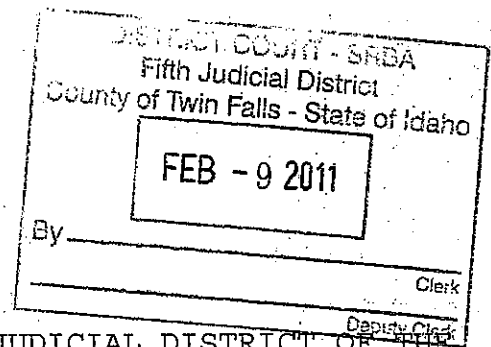
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.





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

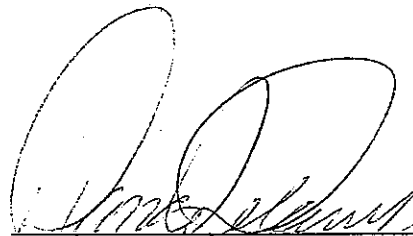
Water Right(s): 75-14497

On February 09, 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 February 09, 2011.


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB - 9 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)

CERTIFICATE OF MAILING

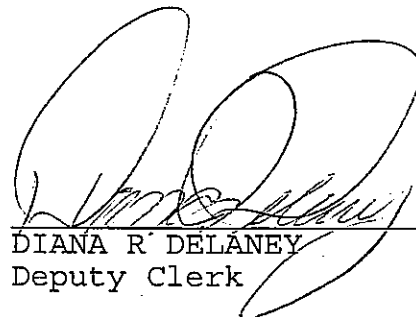
Water Right(s): 75-14497

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 February 10, 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


DIANA R. DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

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