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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 31 2012	
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 75-63A (McFarland) and 75-10061E ,
	)	75-10061G , 75-10062E, 75-10178, 75-14704 and
	)	75-14637 (Slavin)
Case No. 39576	)	
_____	)	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. In his *Report* and later, the Director recommended the above seven claims to the following parties:

Bruce, Thomas and David McFarland	75-63A
P.O. Box 124	
Carmen, Idaho, 83462	

Barbara and William Slavin	75-10061E, 75-10062E and 75-14637
P.O. Box 255	
Carmen, Idaho, 83462	

Derrold Slavin	75-10061G, 75-10178 and 75-14704
P.O. Box 41	
Carmen, Idaho, 83462	

The Director recommended claims 75-63A, 75-10061E, 75-10061G 75-10062E and 75-10178 for between .151 cfs and 1.3 cfs from Carmen Creek to irrigate between 32.5 acres and 280.9 acres in Lemhi County between April 1 and October 31 with priority dates between May 1, 1875, and May 1, 1884, based on a decree.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 75-63A on October 17, 2007, objecting to place of use. On September 18, 2008, the McFarlands and United States, with IDWR's concurrence, filed a *Standard Form*

and on October 22, 2008, the Special Master entered a *Report and Recommendation* in six subcases, including 75-63A. Former SRBA Judge John M. Melanson entered an *Order of Partial Decrees* in those six subcases on January 30, 2009. At the request of IDWR, SRBA Presiding Judge Eric J. Wildman entered an *Order of Amended Partial Decrees* in the six subcases "so that the permissible place of use for all seven McFarland rights are consistent."

Derrold Slavin filed an *Objection* (motion to set aside partial decree) in subcase 75-00063A on April 20, 2011, objecting to name and address, source, quantity, priority date, point of diversion and purpose of use and the matter was referred to the Special Master. Finally, on January 19, 2012, the McFarlands, the United States and the Slavins, with IDWR's concurrence, *SF-5s* in subcases 75-63A, 75-10061E, 75-10061G, 75-10062E, 75-10178, 75-14637 and 75-14704. Along with the *SF-5s*, IDWR wrote:

A motion to set aside partial decrees is pending in Subcase Nos. 75-63A (McFarland), 75-10061E (Slavin), 75-10061G (Slavin), 75-10062E (Slavin) and 75-10178 (Slavin). By signing the enclosed SF5s for water rights 75-63A, 75-10061E, 75-10061G, 75-10062E and 75-10178, the parties and the Department request that the court set aside and amend the partial decrees for these water rights to make them consistent with the enclosed SF5s.

Also, please note that through the SF5 process, we split water right nos. 75-10178 into two water rights. One half of the split retained the original water right number and the other half received a new water right number. So now we have 75-10178 and its new split 75-14704.

Also, please note that the parties are filing an SF5 for 75-14637, which is currently an uncontested water right but that has not yet gone to decree.

Conclusions of Law

1. The parties have shown good cause to have the *Partial Decrees* in subcases 75-63A, 75-10061E, 75-10061G, 75-10062E and 75-10178 set aside and amended as described in the *SF-5s*; and
2. The McFarlands and Slavins are entitled to amended partial decrees in subcases 75-63A, 75-10061E, 75-10061G, 75-10062E and 75-10178, plus partial decrees in subcases 75-14637 and 75-14704, as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees*.

Recommendation

THEREFORE, IT IS RECOMMENDED that the *Partial Decrees* in subcases 75-63A, 75-10061E, 75-10061G, 75-10062E and 75-10178 be set aside and amended as described in the *SF-5s*.

DATED January 31, 2012.

A handwritten signature in cursive script, reading "Terrence A. Dolan", written in dark ink.

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-00063A

NAME AND ADDRESS: BRUCE A MC FARLAND
DAVID MC FARLAND
THOMAS MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.30 CFS
371.00 AFY

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within Lemhi County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	1.30 CFS 371.00 AFY

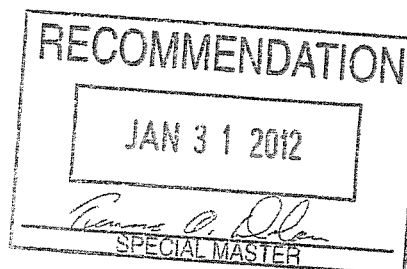
PLACE OF USE:	Irrigation	Within Lemhi County
T23N R22E S23	NESE 9.7	SESE 19.0
S24	NENW 12.0	NWNW 11.0
	SWNW 34.0	SENW 11.0
	NESW 14.0	NWSW 40.0
	SWSW 40.0	SESW 19.0
S25	NENW 11.0	NWNW 39.0
	SWNW 28.0	NWSW 0.3
S26	NENE 28.0	SENE 10.0
326.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 326 acres in a single irrigation season. Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923. This right is limited to the irrigation of 106 acres within the place of use described above in a single irrigation season. Place of use does not include federal public lands.

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

This water right is subject to a private water agreement recorded January 3, 2012, among Derrold Slavin, William and Barbara Slavin, Bruce McFarland, Thomas McFarland, and David McFarland, and recorded in the Lemhi County Recorder's Office as Instrument No. 288827.

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
AMENDED

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

NAME AND ADDRESS: BARBARA K SLAVIN
WILLIAM G SLAVIN
PO BOX 255
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.39 CFS

This right when combined with all other rights shall provide no more than 0.04 cfs per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.39 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S05	SWNE 13.0 SENE 0.5
		NESE 0.6 NWSE 24.0
	S08	SWSE 15.0 NWNE 16.0
	69.1 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 69.1 acres in a single irrigation season.
Combined Right Nos.: 75-10061E, 75-10062E, 75-14421 and 75-14637.

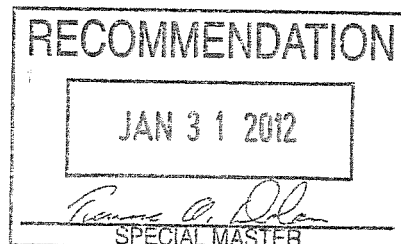
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

NAME AND ADDRESS: DERROLD SLAVIN
PO BOX 41
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.19 CFS

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	0.19 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S05 LOT 1 (NENE) 13.0 LOT 2 (NWNE) 6.8
SWNE 6.7 SENE 6.0
32.5 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 32.5 acres in a single irrigation season.
Combined Right Nos.: 75-74A, 75-10061G, 75-10178 and 75-4340A.

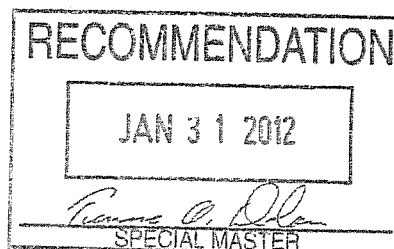
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10062E

NAME AND ADDRESS: BARBARA K SLAVIN
WILLIAM G SLAVIN
PO BOX 255
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.22 CFS

This right when combined with all other rights shall provide no
more than 0.04 cfs per acre at the field headgate for irrigation
of the place of use.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.22 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S05	SWNE 13.0 SENE 0.5
		NESE 0.6 NWSE 24.0
	S08	SWSE 15.0
		NWNE 16.0
	69.1 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 69.1 acres in a single irrigation season.
Combined Right Nos.: 75-10061E, 75-10062E, 75-14421 and 75-14704.

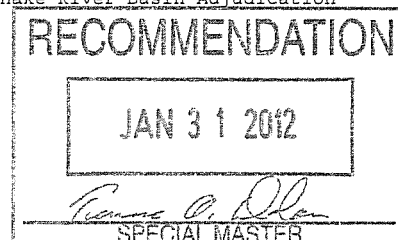
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10178

NAME AND ADDRESS: DERROLD SLAVIN
PO BOX 41
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.30 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.30 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S05 LOT 1 (NENE) 13.0 LOT 2 (NWNE) 6.8
SWNE 6.7 SENE 6.0
32.5 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 32.5 acres in a single irrigation season.
Combined Right Nos.: 75-74A, 75-10061G, 75-10178 and 75-4340A.

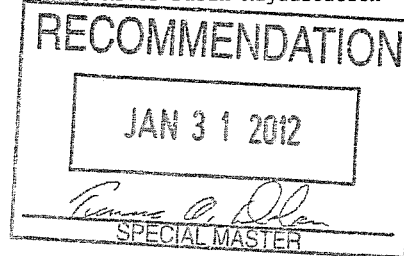
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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RULE 54(b) CERTIFICATE

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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14704

NAME AND ADDRESS: DERROLD SLAVIN
PO BOX 41
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.10 CFS

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S05 LOT 1 (NENE) 13.0 LOT 2 (NWNE) 6.8
SWNE 6.7 SENE 6.0
32.5 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 32.5 acres in a single irrigation season.
Combined Right Nos.: 75-4340A, 75-10061G, 75-10178, and 75-14704.

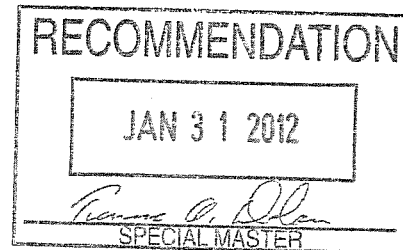
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-14637

NAME AND ADDRESS: BARBARA K SLAVIN
WILLIAM G SLAVIN
PO BOX 255
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.75 CFS

This right when combined with all other rights shall provide no
more than 0.04 cfs per acre at the field headgate for
irrigation of the place of use.

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION: T22N R22E S09 NWSW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.75 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S05	SWNE 13.0 SENE 0.5 NESE 0.6 NWSE 24.0 SWSE 15.0 NWNE 16.0
	S08	
	69.1 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 69.1 acres in a single irrigation season.
Combined Right Nos.: 75-10061E, 75-10062E, 75-14421 and 75-14637.

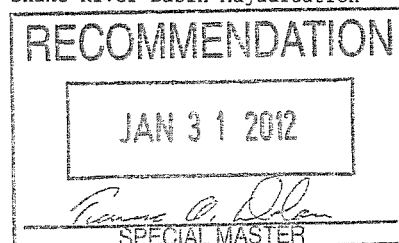
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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 31 2012	
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

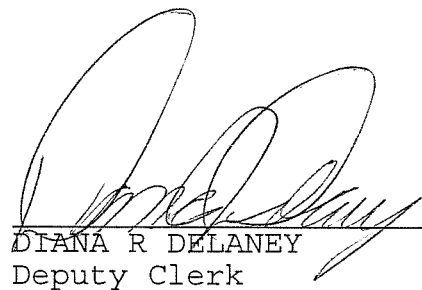
Water Right(s): 75-00063A
75-10061E 75-10061G 75-10062E
75-10178 75-14637 75-14704

On January 31, 2012, 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 31, 2012.


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): 75-00063A
75-10061E 75-10061G 75-10062E
75-10178 75-14637 75-14704

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 31, 2012, with sufficient first-class postage prepaid to the following:

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

BARBARA K SLAVIN
DERROLD SLAVIN
WILLIAM G SLAVIN
Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
SALMON, ID 83467
Phone: 208-756-2030

CERTIFICATE OF MAILING

ANTELOPE HILLS NORTH

Represented by:

PAUL L ARRINGTON

113 MAIN AVE W, STE 303

PO BOX 485

TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE

ENVIRONMENT & NATL' RESOURCES

550 WEST FORT STREET, MSC 033

BOISE, ID 83724

BRUCE A MC FARLAND

BRUCE MC FARLAND

DAVID MC FARLAND

THOMAS MC FARLAND

PO BOX 124

CARMEN, ID 83462

Phone: 208-756-4805

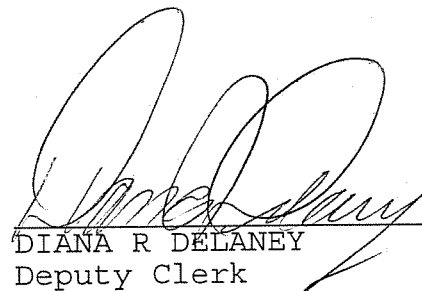
BARBARA K SLAVIN

WILLIAM G SLAVIN

PO BOX 255

CARMEN, ID 83462

Phone: 208-756-6309



DIANA R DELANEY
Deputy Clerk