

12/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10923
NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

THOMAS L MC FARLAND
PO BOX 125
CARMEN ID 83462

DAVID M MC FARLAND
PO BOX 125
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 1.960 CFS
PRIORITY DATE: 05/01/1882
POINT OF DIVERSION:

T23N R22E S13 SWSWSE Within LEMHI County
T23N R22E S24 SENENW Within LEMHI County
T23N R22E S25 NENENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.960 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S23	SENE	0.20	T23N R22E S23	NESE	7.40
T23N R22E S23	SESE	16.00	T23N R22E S24	NENW	9.50
T23N R22E S24	NWNW	0.30	T23N R22E S24	SWNW	24.00
T23N R22E S24	SENW	9.60	T23N R22E S24	NESW	12.00
T23N R22E S24	NWSW	32.00	T23N R22E S24	SWSW	36.00
T23N R22E S24	SESW	18.00	T23N R22E S25	NENW	11.00
T23N R22E S25	NWNW	37.00	T23N R22E S25	SWNW	28.00
T23N R22E S25	NWSW	1.80	T23N R22E S26	NENE	28.00
T23N R22E S26	SENE	10.00	T23N R22E S26	NESE	0.10

280.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 280.9 acres in a single irrigation season. Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

LATE FEE IF RECEIVED

6-16-90 68

40202

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

DOOR ORIGINAL

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A75-10923

Date Received

P.M. 5-10-90

Receipt Number

E014833

RECEIVED

JUN 13 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 11 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Bar S Ranch Inc Phone (208) 879-4253Mailing Address Box 58 Carmen, ID 83462 Zip 834622. Date of Priority (Only one (1) per claim) May 1, 18823. Source of water supply (a) Carmen Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 23 N Range 22 E Section 24,
SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of LemhiAdditional points of diversion if any: Twp 23N Rge 22E Sec 13, SW 1/4 of SW 1/4 of SW 1/4
Twp 23N Rge 22E Sec 25, NE 1/4 of NE 1/4 of NW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.rock and gravel dam leading to
a 4-5' ditch, approximately 2/3's of which uses cement head-
gates.

A7510923



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DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

POOR ORIGINAL
(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 1.96 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 850 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23N	22E	23													14			26	40
23N	22E	24							28	10	16	40	40	19					153
22N	22E	25					18	40	36	4		11							109
22N	22E	26	35			14									1				50

Total number of acres irrigated 352

11. In which county (ies) are lands listed above as place of use located? Lamb:

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
75-0077, 75-2002, 75-2128, 75-4341 or None ()

14. Remarks: 1/2 of 75-0076 plus 8" of transfer water

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Last Name Bar S Ranch, Inc Ident No. _____

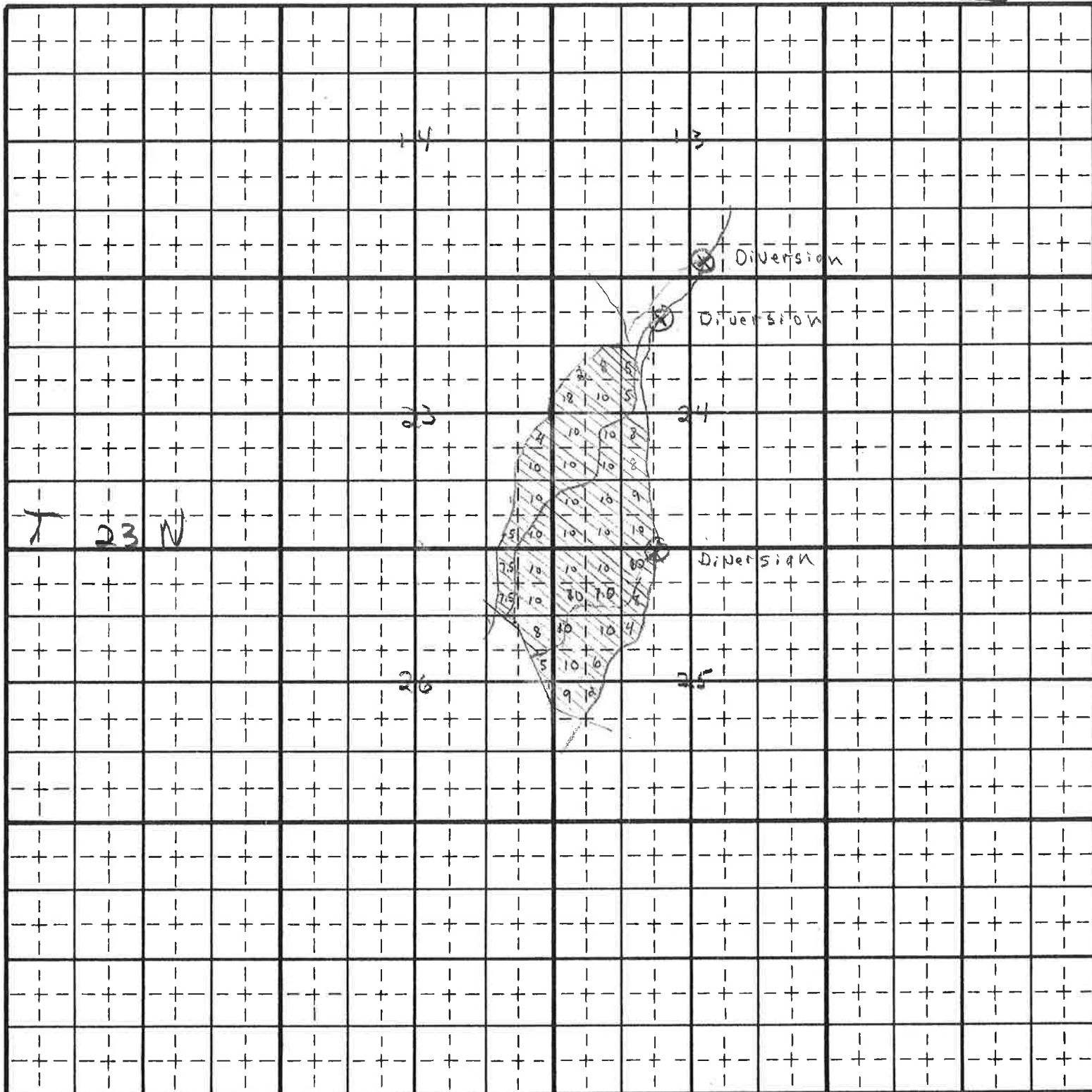
Copies: White - State - Yellow - Claimed

DEC 15 1992

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

POOR ORIGINAL



R 22 E

MICROFILMED

DEC 15 1992

Last Name Bar S Ranch, The Ident No. _____

Copies: White-State, Yellow-Claimant

POOR ORIGINAL

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ _____
If applicable provide IDWR Water Right Number 75-0076 and portion 75-0051 thru 0057
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant McNutt et al vs Thomas Palmer et al

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President Title
of Bar S Ranch, Inc Organization, that I have signed the foregoing
document in the space below as President Title of Bar S Ranch, Inc Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent M. L. P. McFarland
Title and Organization President of Bar S Ranch, Inc Date 5-10-90

State of Idaho/or Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10 day of May 19 90

SEAL

Notary Public Donna L. Gadrey
Residing at Salmon, Idaho
My Commission Expires May 10, 1992

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Bar S Ranch, Inc Ident. Number _____

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DEC 15 1992
Copies White-State, Yellow-Claimant

Arave, Nathaniel

From: Brown, Larry (ENRD) [Larry.Brown@usdoj.gov]
Sent: Wednesday, March 05, 2008 8:25 AM
To: Baxter, Garrick; Cooley-Denney, Suzy; Arave, Nathaniel
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov; Alan_Bittner@blm.gov; mcfarlandm@centurytel.net
Subject: 75-0063A, 75-0077B, 75-02002, 75-02128, 75-04341, 75-10061AN, and 75-10923; Claimant: McFarland

I just spoke with Mr. Thomas McFarland on the telephone. We agreed to resolve BLM's objections to the above-referenced water right claims by deleting public land from the place of use element in each water right claim: T23N R22E S23 SENE 0.20 acres. Adjust total acres, and adjust quantity, if necessary. Adjust shapefile to exclude public land. BLM is the only objector in all but 75-04341.

Please draft appropriate SF-5s for all but 75-04341. Mr. McFarland objected to quantity and period of use recommended in 75-04341, and he will contact Bob Foster or Nate Arave to try to negotiate a settlement and get an SF-5 that also resolves BLM's objection, as stated above.

Mr. McFarland will obtain the signatures of the other owners.

Let Fred Price at the BLM know when the documents are done. He will send the documents to Mr. Thomas McFarland along with an addressed, postage paid envelope for returning the documents to the BLM. Mr. Price will obtain IDWR concurrence and send the documents to me for signature, filing, and mailing of copies to all on the certificate of service.

Thanks,

Larry



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

FEBRUARY 23, 1994

THOMAS L MC FARLAND
PO BOX 125
CARMEN ID 83462

CHANGE IN OWNERSHIP FOR A75-10061AN, A75-10923,
A75-10924, A75-10061AN, A75-10922, ~~A75-00063A~~,
A75-02128, A75-02002, A75-04341

Dear Mr. Mc Farland:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

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APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: May 12, 1993

RECEIVED

JUN 01 1993

POOR ORIGINAL

Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

*SEE EXHIBIT "A"

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
A75-10061AN, A75-10923, A75-10924,
- ☐ Water Right Number(s) A75-10061AN, A75-10922, A75-00063A
Assigned by IDWR: A75-02128, A75-02002, A75-04341
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Bar-S Ranch, Inc.
P. O. Box 58, Carmen, Idaho 83462
- ☐ New Owner/Claimant (Purchaser): Thomas L. McFarland, David M. McFarland and
Bruce A. McFarland
- ☐ New Mailing Address: P. O. Box 125
Carmen, Idaho 83462
- ☐ New Telephone Number: (208) 756 - 3752
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See annexed copy of Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) David M. McFarland, Thomas L. McFarland, Bruce A. McFarland Date 5/12/93 5/12/93
- ☐ Signature of Former Owner/Claimant(s): M. L. McFarland Date 5/12/93
Norma A. McFarland Date 5/12/93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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APR 19 1994

SCANNED

UNIT 200

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-10923

Date Received: 6/14/1990

Receipt No: E014833

Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	THOMAS L MC FARLAND	208-756-3752
Address:	PO BOX 125	
	CARMEN ID	83462
AND/OR		
Name:	DAVID M MC FARLAND	208-756-3752
Address:	PO BOX 125	
	CARMEN ID	83462
AND/OR		
Name:	BRUCE A MC FARLAND	208-756-3752
Address:	PO BOX 125	
	CARMEN ID	83462

2. Date of Priority: MAY 1, 1882

3. Source: CARMEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
23N	22E	13	SW		SW		SW		LEMHI
		24	SE		NE		NW		LEMHI
		25	NE		NE		NW		LEMHI

5. Description of diverting works:
ROCK DAM/ DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.960		

7. Total Quantity Appropriated is:
1.960 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 880.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	23	NE	SE		IRR	14.0
			SE	SE		IRR	26.0
					Section Acres		40.0
		24	SW	NW		IRR	28.0
			SE	NW		IRR	10.0
			NE	SW		IRR	16.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	19.0
					Section Acres		153.0
		25	NE	NW		IRR	18.0
			NW	NW		IRR	40.0
			SW	NW		IRR	36.0
			SE	NW		IRR	4.0
			NW	SW		IRR	11.0
					Section Acres		109.0
		26	NE	NE		IRR	35.0
			SE	NE		IRR	14.0
			NE	SE		IRR	1.0
					Section Acres		50.0
					Total Acres		352.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE 75-00077B

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAVID MCNUTT, ET AL.

Decree Plaintiff

THOMAS PALMER, ET AL.

vs

Decree Defendant

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-10923
Date Received: 5/10/1990
Receipt No: E014833
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BAR S RANCH, INC 208-879-4253
Address: BOX 58
CARMEN, ID 83462

2. Date of Priority: MAY 01, 1882

3. Source: CARMEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	13	SW	SW	SW		LEMHI
		24	SE	NE	NW		LEMHI
		25	NE	NE	NW		LEMHI

5. Description of diverting works:
ROCK DAM/ DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.960		

7. Total Quantity Appropriated is:
1.960 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 880.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	23	NE	SE		IRR	14.0
			SE	SE		IRR	26.0

A75-10923

Page 1

Date: 06/20/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						40.0
		24	SW	NW	IRR	28.0
			SE	NW	IRR	10.0
			NE	SW	IRR	16.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	19.0
Section Acres						153.0
		25	NE	NW	IRR	18.0
			NW	NW	IRR	40.0
			SW	NW	IRR	36.0
			SE	NW	IRR	4.0
			NW	SW	IRR	11.0
Section Acres						109.0
		26	NE	NE	IRR	35.0
			SE	NE	IRR	14.0
			NE	SE	IRR	1.0
Section Acres						50.0
Total Acres						352.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE 75-00077B

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

DAVID MCNUTT, ET AL.
Decree Plaintiff

vs

THOMAS PALMER, ET AL.
Decree Defendant