

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - PRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 12 2022

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 PRBA

Case No. 59576

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

WATER RIGHT NO.: 87-10393

I. FINDINGS OF FACT

A claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by the USDA Forest Service on January 10, 2022. The *Objection* was resolved on July 5, 2022 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: July 12, 2022.

Brigitte Bil Yeu
BRIGETTE BIL YEU
Special Master
Palouse River Basin Adjudication

DISTRICT COURT - PRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 12 2022

By _____ Clerk

Deputy Clerk

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JUL 14 2022

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 PRBA)
PARTIAL DECREE PURSUANT TO
Case No. 59576) I.R.C.P. 54(b) FOR
Water Right 87-10393

NAME AND ADDRESS: JOHN MC FARLAND
ROSE MC FARLAND
1600 S AUBURN ST
KENNEWICK, WA 99337

SOURCE: WHITE PINE GULCH CREEK TRIBUTARY: NORTH FORK PALOUSE RIVER

QUANTITY: 0.31 CFS

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 02/15/1943

POINT OF DIVERSION: T42N R02W S12 NWSW Within Latah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mining	01-01 TO 12-31	0.31 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 3 cabins in mining camp.

PLACE OF USE:	Mining		Within Latah County
	T42N R02W S12	SWNW SWSW	NWSW
	Domestic		Within Latah County
	T42N R02W S12	NWSW	SWSW

The place of use does not include federal land.

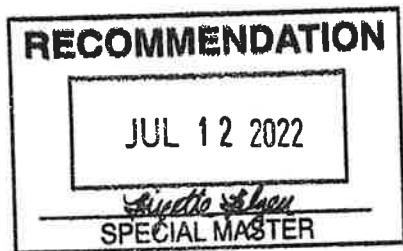
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The point of diversion and place of use are located in
Mineral Survey No. 339.
The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

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
Palouse River Basin Adjudication

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_____	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 PRBA)
Case No. 59576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

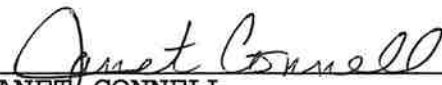
Water Right(s): 87-10393

On July 12, 2022, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to PRBA Administrative Order 1 (A01), Section 13a.

Pursuant to PRBA Administrative Order 1 (A01), 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 July 12, 2022.



JANET CONNELL
Deputy Clerk

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In Re PRBA

Case No. 59576

CERTIFICATE OF MAILING

Water Right(s): 87-10393

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 July 12, 2022, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JOHN MC FARLAND
ROSE MC FARLAND
1600 S AUBURN ST
KENNEWICK, WA 99337
Phone: 509-586-8890

CERTIFICATE OF MAILING


JANET CONNELL
Deputy Clerk

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7/12/22