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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - PRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 29 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	)	AMENDED SPECIAL MASTER'S
	)	REPORT AND RECOMMENDATION;
Case No. 59576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	WATER RIGHT NO.: 87-10393

I. FINDINGS OF FACT

This is an *Amended Special Master's Report and Recommendation* which amends the *Special Master's Report and Recommendation* dated July 12, 2022. The only change is to correct the Mineral Survey No. The Objector U.S. Forest Service contacted the Court and Claimants. The claimants and objectors agree that the Mineral Survey No. was **incorrectly listed as 339**. The correct Mineral Survey No. is **3339**. 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 29, 2022.


BRIGETTE BILYEU
Special Master
Palouse River Basin Adjudication

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

JUL 29 2022

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
I.R.C.P. 54(b) FOR

Case No. 59576)

Water Right 87-10393

By

Clerk

Deputy Clerk

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:	Location	Direction
Mining	T42N R02W S12	NWSW

Domestic	T42N R02W S12	NWSW
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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. 3339.

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).

RECOMMENDATION

JUL 29 2022

SPECIAL MASTER

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In Re PRBA)
Case No. 59576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION
Water Right(s): 87-10393

On July 29, 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 29, 2022.


JANET CONNELL
Deputy Clerk

DISTRICT COURT - PRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 29 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)
_____)

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 29, 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

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07/29/22


JANET CONNELL
Deputy Clerk