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MAR 02 2012

DEPARTMENT OF  
WATER RESOURCES

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

MAR - 1 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

) Subcase Nos. 75-00063A, 75-10061E, 75-  
) 10061G, 75-10062E, 75-10178, 75-14704 and  
) 75-14637

)  
) ORDER SETTING ASIDE PARTIAL  
) DECREES FOR WATER RIGHTS 75-  
) 00063A, 75-10061E, 75-10061G, 75-10062E  
) and 75-10178

)  
) ORDER OF AMENDED PARTIAL  
) DECREES FOR WATER RIGHTS 75-  
) 00063A, 75-10061E, 75-10061G, 75-10062E  
) and 75-10178

)  
) ORDER OF PARTIAL DECREE FOR  
) WATER RIGHTS 75-14704 and 75-14637

\_\_\_\_\_

*Partial Decrees* were issued for water right numbers 75-10061E, 75-10061G, 75-10062E and 75-10178 on November 17, 2008. A *Partial Decree* was entered for water right number 75-00063A on January 30, 2009. *Motions to Set Aside Partial Decree* were subsequently filed in subcase numbers 75-00063A, 75-10061E, 75-10061G, 75-10062E and 75-10178, and *Orders of Reference* were issued appointing the Special Master to preside over the *Motions* and issue a recommendation. On January 19, 2012, the parties filed *Standard Form 5's* ("SF5's") resolving the *Motions*. On January 31, 2012, the Special Master issued a *Special Master Report*, recommending (1) that the *Partial Decrees* previously entered for water rights 75-00063A, 75-10061E, 75-10061G, 75-10062E and 75-10178 be set aside and amended consistent with the SF5's, (2) and that *Partial Decrees* be issued for water rights 75-14637 and 75-14704 consistent

ORDER SETTING ASIDE PARTIAL DECREES;  
ORDER OF AMENDED PARTIAL DECREES;  
ORDER OF PARTIAL DECREES

with the *SF5*'s. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decrees* previously entered for water rights 75-00063A, 75-10061E, 75-10061G, 75-10062E and 75-10178 **are hereby set aside**.

IT IS FURTHER ORDERED that water rights 75-00063A, 75-10061E, 75-10061G, 75-10062E and 75-10178 be **decreed** with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

IT IS FURTHER ORDERED that water rights 75-14637 and 75-14704 be **decreed** with the elements set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated March 1, 2012

  
\_\_\_\_\_  
ERIC J. WILDMAN  
Presiding Judge  
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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

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

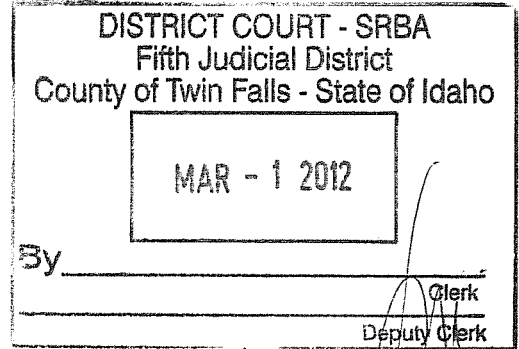
PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
04-01 TO 10-31

QUANTITY  
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 | SENE 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.

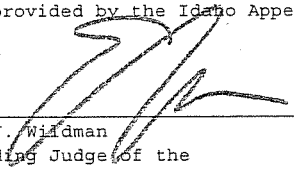
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.



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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

**AMENDED**

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 75-10061E

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

MAR - 1 2012

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

By \_\_\_\_\_

Clerk

Deputy Clerk

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<br>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<br>NESE 0.6<br>SWSE 15.0<br>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  
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

In Re SRBA )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

**AMENDED**  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 75-10061G

|                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DISTRICT COURT - SRBA<br/>Fifth Judicial District<br/>County of Twin Falls - State of Idaho</p> <p>MAR - 1 2012</p> <p>By _____</p> <p>Clerk<br/>Deputy Clerk</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | 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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 75-10062E

|                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>DISTRICT COURT - SRBA<br/>Fifth Judicial District<br/>County of Twin Falls - State of Idaho</p> <p>MAR - 1 2012</p> <p>By _____<br/>Clerk<br/>Deputy Clerk</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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<br>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<br>SENE 0.5<br>NESE 0.6<br>NWSE 24.0<br>SWSE 15.0<br>NWNE 16.0<br>S08<br>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 )  
 )  
Case No. 39576 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

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    | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------|----------------|----------------|----------|
| PERIOD OF USE: | 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    |             |       |            |

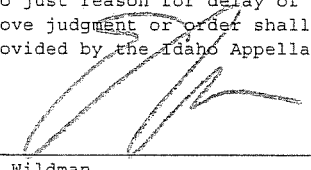
The rights listed below are limited to the irrigation of a  
combined total of 32.5 acres in a single irrigation season.  
Combined Right Nos.: 75-74A, 75-10061G, 75-10178 and 75-4340A.

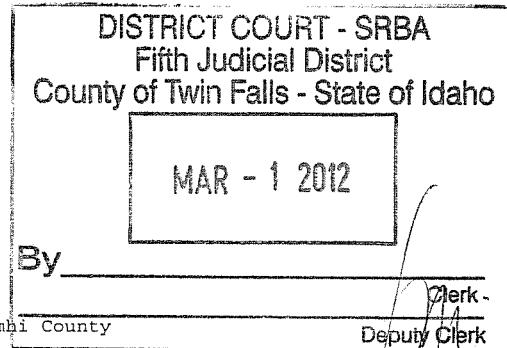
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
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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



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING  
ASIDE PARTIAL DECREES AND ORDER OF AMENDED PARTIAL DECREES  
was mailed on March 01, 2012, with sufficient first-class postage  
to the following:

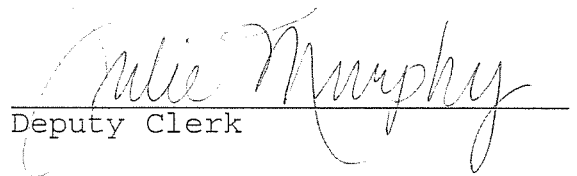
BARBARA K SLAVIN  
DERROLD SLAVIN  
WILLIAM G SLAVIN  
Represented by:  
MILTON A. SLAVIN  
ATTORNEY AT LAW  
116 N CENTER ST.  
SALMON, ID 83467  
Phone: 208-756-2030

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

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

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".