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DEPARTMENT OF  
WATER RESOURCES

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

MAY - 5 2011

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

) ORDER SETTING ASIDE PARTIAL  
) DECREE  
)  
) ORDER OF AMENDED PARTIAL  
) DECREE  
)  
) Water Right Claim: 75-14497  
) (McFarland)  
)

The Director of the Idaho Department of Water Resources ("IDWR" or the "Department") filed his *Director's Report, Irrigation and Other Uses, Reporting Area 23, Basin 75* on January 11, 2007. A *Partial Decree* for the above-captioned water right was issued on April 1, 2009. However on December 17, 2010, the parties filed a *Standard Form 5* for the above-captioned water right which the Court treated as a *Motion to Set Aside and Amend the Partial Decree*. On February 9, 2011, a *Special Master's Report and Recommendation* was filed for water right claim 75-14497, recommending that the *Partial Decree* previously issued for that water right be set aside and that water right 75-14497 be decreed with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decree*. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now 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 Decree* entered for the above-captioned water right **is hereby set aside**.

IT IS FURTHER ORDERED that the above-captioned water right be **decreed** with the elements set forth in the attached ***Amended Partial Decree Pursuant to I.R.C.P. 54(b)***.

Dated May 5, 2011

  
\_\_\_\_\_  
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 75-14497

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

MAY - 5 2011

By \_\_\_\_\_

Clerk  
Deputy Clerk

NAME AND ADDRESS: BONNIE MC FARLAND  
BRUCE MC FARLAND  
DAVID MC FARLAND  
JANET MC FARLAND  
TERESA MC FARLAND  
TOM MC FARLAND  
PO BOX 125  
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.966 CFS

PRIORITY DATE: 05/01/1885

POINT OF DIVERSION: T22N R22E S03 NWSE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 0.966 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County |
|---------------|-------------------|---------------------|
|               | T22N R22E S09     | NWNE 8.0 SWNE 35.0  |
|               |                   | SENE 18.0 NESW 37.0 |
|               |                   | NWSW 18.0 SWSW 36.0 |
|               |                   | SESW 37.0 NESE 38.0 |
|               |                   | NWSE 37.0 SWSE 38.0 |
|               | S16               | NWNE 21.0 NENW 27.0 |
|               | 350.0 Acres Total |                     |

The rights listed below are limited to the irrigation of a combined total of 350 acres in a single irrigation season. Combined Right Nos.: 75-14497, 75-14499, 75-14501, 75-14503 and 75-14505.

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.

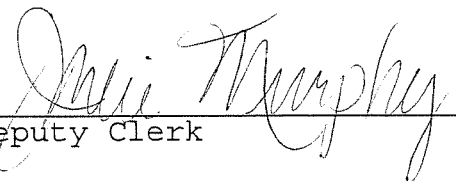
Eric J. Wardman  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING  
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed  
on May 05, 2011, with sufficient first-class postage to the  
following:

BONNIE MC FARLAND  
BRUCE MC FARLAND  
DAVID MC FARLAND  
JANET MC FARLAND  
TERESA MC FARLAND  
TOM MC FARLAND  
PO BOX 125  
CARMEN, ID 83462

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.