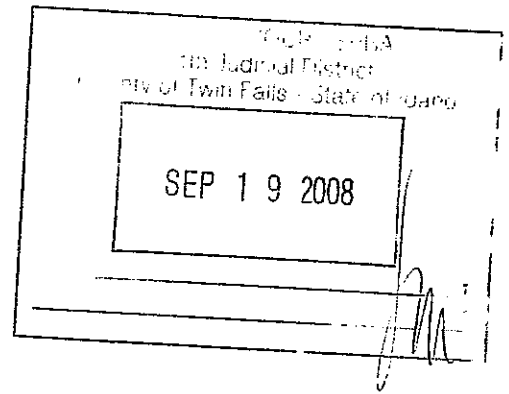


DEPARTMENT OF  
WATER RESOURCES



**Case No. 39576**

**Subcases: 74-15632 & 74-15633**

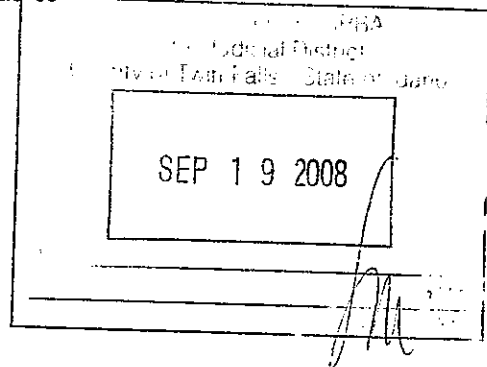
DATED September 19, 2008.

JOHN M. MELANSON  
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

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

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 74-15632



NAME AND ADDRESS: MC FARLAND LIVESTOCK  
COMPANY INC  
C/O TEX J KAUER  
PO BOX 50  
LEMHI, ID 83465

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.19 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION  
RATE OF 2.4 CFS.  
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632, 74-15633

PRIORITY DATE: 03/15/1983

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T16N R25E S08 NWNENW Within Lemhi County  
SENENW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.19 CFS |

| PLACE OF USE:     | Irrigation | Within Lemhi County |
|-------------------|------------|---------------------|
| T16N R25E S05     | NESW 4.1   | SESW 26.0           |
|                   | NWSE 18.0  | SWSE 27.0           |
|                   | SESE 36.0  |                     |
| S08               | NENE 36.0  | NWNE 38.0           |
|                   | NENW 9.1   |                     |
| 194.2 Acres Total |            |                     |

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.  
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15634.

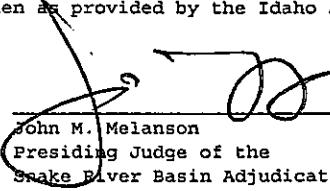
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-1560  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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

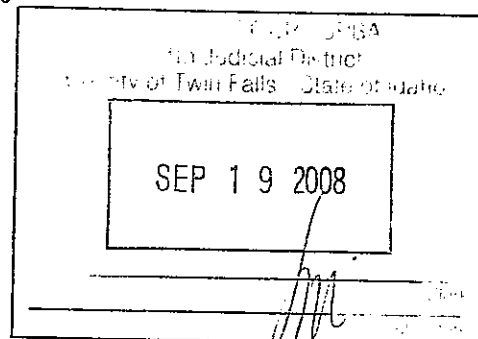
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.



John M. Melanson  
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 )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 74-15633



NAME AND ADDRESS: MC FARLAND LIVESTOCK  
COMPANY INC  
C/O TEX J KAUER  
PO BOX 50  
LEMHI, ID 83465

SOURCE: MILL CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.91 CFS

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION  
RATE OF 2.4 CFS.  
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632, 74-15633

PRIORITY DATE: 03/15/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A  
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED  
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS  
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION  
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR  
RIGHT.

POINT OF DIVERSION: T16N R24E S15 NWSE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.91 CFS |

| PLACE OF USE: | Irrigation        | Within Lemhi County                |
|---------------|-------------------|------------------------------------|
|               | T16N R25E S05     | NESW 4.1<br>NWSE 18.0<br>SESE 36.0 |
|               | S08               | NENE 36.0<br>NENW 9.1              |
|               | 194.2 Acres Total |                                    |

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.  
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A  
COMBINED TOTAL OF 194.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 74-1560, 74-2159, 74-15632 AND 74-15634.

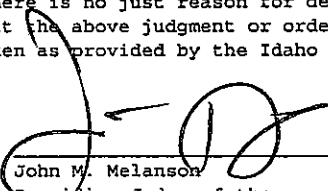
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 74-2159  
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on September 19, 2008, with sufficient first-class postage to the following:

MC FARLAND LIVESTOCK  
MC FARLAND LIVESTOCK CO INC  
Represented by:  
KENT W FOSTER  
1000 RIVERWALK DR, STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

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

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

ORDER

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FILE COPY FOR 00662

Deputy Clerk

A handwritten signature in cursive script, appearing to read "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".