

**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.: 85-4231

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT(s):**

Maxine F. and Stanley J. Mc Murray

Maxine F. & Stanley J. Mc Murray 10/13/05  
Claimant Date

\_\_\_\_\_  
Claimant Date

**OBJECTOR(s):**

USDI/Bureau of Reclamation

David W. Gehlert 10/13/05  
Date

Trial Attorney, General Litigation Section  
U.S. Dept. of Justice

**IDWR Concurrence:**

Carter Futscher 9-19-05  
Date

Adjudication Supervisor

Susan Hamlin Nygard 7/19/05  
Date

Susan Hamlin Nygard  
Deputy Attorney General, IDWR

### CERTIFICATE OF MAILING

I certify that on 10-13, 2005, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to: Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Idaho Department of Water Resources  
Adjudication Bureau  
1301 North Orchard Street  
Boise, Idaho 83706

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

U.S. Department of Justice  
Environment and Natural Resources Div.  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Maxine and Stanley McMurray  
510 Lapwai Rd  
Lewiston ID 83501

Bucky Hawley  
Signature of person or attorney filing the form

09/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 85-4231

NAME AND ADDRESS: MAXINE F MC MURRAY  
510 LAPWAI RD  
LEWISTON ID 83501

STANLEY J MC MURRAY  
510 LAPWAI RD  
LEWISTON ID 83501

SOURCE: LINDSAY CREEK

TRIBUTARY: CLEARWATER RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 01/01/1898

POINT OF  
DIVERSION: T36N R05W S32 SESE Within NEZ PERCE County  
T36N R05W S32 SESE Within NEZ PERCE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

02/15 ~~11/30~~ 3/15 11/15

0.070 CFS

*M. M. S.*

PLACE OF USE: IRRIGATION Within NEZ PERCE County

T36N R05W S32 SESE 2.2

2.2 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use