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DEPARTMENT OF
WATER RESOURCES

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) Subcase No. 74-00333
)
) Standard Form 5
Case No. 39576)
) STIPULATED ELEMENTS
) OF A WATER RIGHT
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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 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 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:

McFarland Livestock Company, Inc

Tex J. Kauer

Tex J. Kauer
President

3-29-07
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

David Negri 4/13/07

Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlsen

Ernest Carlsen
Water Resource Program Manager

4/6/07
Date

IDWR CONCURRENCE:

Garrick L. Baxter

Garrick L. Baxter
Deputy Attorney General

4/10/07
Date

01/19/2006

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

RIGHT NUMBER: 74-333

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

SOURCE: BULL CREEK

TRIBUTARY: SINKS

QUANTITY: 3.200 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

diversion Use of this right with right no. 74-332 is limited to a total combined rate of 4.2 cfs.

PRIORITY DATE: 01/16/1919

POINT OF DIVERSION: T15N R27E S24 SESE Within LEMHI County

PURPOSE AND PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	3/15 11/15	3.200 CFS
PLACE OF USE:	IRRIGATION Within LEMHI County		
	T15N R27E S14 SWSE	20.00	T15N R27E S14 SESE 35.00
	T15N R27E S23 NENE	40.00	T15N R27E S23 NWNE 40.00
	T15N R27E S23 SWNE	33.00	T15N R27E S23 NENE NWNE 34.00
	T15N R27E S23 SENW	33.00	

235 ACRES TOTAL

This right is limited to the irrigation of 150 acres within the place of use described above in a single irrigation season.

combined Use of this right with right no. 74-332 is limited to the irrigation of a total of 235 acres in a single irrigation season.

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 - Decreed

CERTIFICATE OF MAILING

I certify that on 4-13, 2007 mailed the original and copies of this form, including all attachments, 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. Copy to:

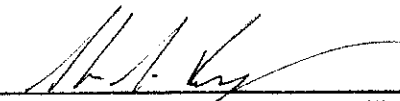
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

3. Copies to all parties to the subcase (insert names and addresses):

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

McFarland Livestock Company Inc.
c/o Tex J. Kauer
P.O. Box 50
Lemhi, ID 83465



Signature of person or attorney mailing the form