

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.: 74-15633
	)	(formerly disallowed)
Case No. 39576	)	
	)	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 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 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:

McFarland Livestock Company, Inc.

Robert L. Harris 1/22/08
Robert L. Harris Date
Attorney for McFarland Livestock
Company, Inc.

RESPONDENT:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 1/25/2008
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Nathaniel Arave 01/09/08
Nathaniel Arave Date
Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney 1/10/08
Andrea L. Courtney Date
Deputy Attorney General

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

RIGHT NUMBER: 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: 0.910 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: 03/15/1902

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

PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

03/15 11/15

QUANTITY

0.910 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T16N R25E S05	NESW	4.10	T16N R25E S05	SESW	26.00
T16N R25E S05	NWSE	18.00	T16N R25E S05	SWSE	27.00
T16N R25E S05	SESE	36.00	T16N R25E S08	NENE	36.00
T16N R25E S08	NWNE	38.00	T16N R25E S08	NENW	9.10

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 80.6 acres within the place of use described for this right.

Attorney for IDWR
CERTIFICATE OF SERVICE

I certify that on June 25, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

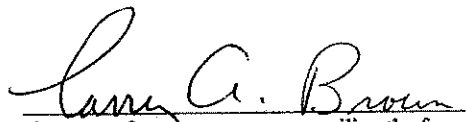
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Robert L. Harris
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, ID 83405-0130

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form