

COPY

RECEIVED

SEP 19 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2008 SEP 18 AM 11 16

**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. 75-00077B

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:

Bruce McFarland

CLAIMANT:

Thomas McFarland

Bruce McFarland 9/11/08

Bruce McFarland

Date

Pro Se

Thomas McFarland 9/11/08

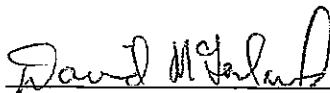
Thomas McFarland

Date

Pro Se

CLAIMANT:

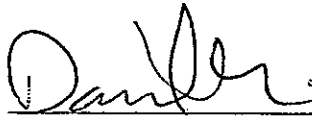
David McFarland

 9/11/08

David McFarland Date
Pro Se

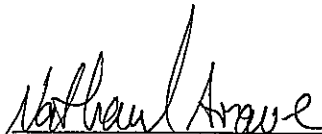
OBJECTOR

United States of America

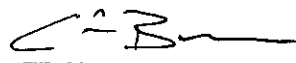
 9/11/08

David L. Negri, USDOJ Date
Bureau of Land Management

IDWR Concurrence:

 9/11/08

Nathaniel Arave Date
Senior Water Resource Agent

 9/11/08

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 75-77B
NAME AND ADDRESS: THOMAS L MC FARLAND
PO BOX 125
CARMEN ID 83462

DAVID M MC FARLAND
PO BOX 125
CARMEN ID 83462

BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.700 CFS
PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION: T23N R22E S13 SWSWSE Within LEMHI County
T23N R22E S24 SENENW Within LEMHI County
T23N R22E S25 NENENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.700 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T23N R22E S23 NESE 7.40	T23N R22E S23 SESE	16.00
	T23N R22E S24 NENW 9.50	T23N R22E S24 NWNW	0.30
	T23N R22E S24 SWNW 24.00	T23N R22E S24 SENW	9.60
	T23N R22E S24 NESW 12.00	T23N R22E S24 NWSW	32.00
	T23N R22E S24 SWSW 36.00	T23N R22E S24 SESW	18.00
	T23N R22E S25 NENW 11.00	T23N R22E S25 NWNW	37.00
	T23N R22E S25 SWNW 28.00	T23N R22E S25 NWSW	1.80
	T23N R22E S26 NENE 28.00	T23N R22E S26 SENE	10.00
	T23N R22E S26 NESE 0.10	T23N R22E S23 SENE	0.20

~~280.9~~ 280.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~280.9~~ 280.7 acres in a single irrigation season. Combined Right Nos.: 75-63A, 75-77B, 75-2002, 75-2128, 75-4341, 75-10061AN & 75-10923.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on September 17, 2008, 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

UNITED STATES OF AMERICA

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

BRUCE A MC FARLAND
PO BOX 124
CARMEN, ID 83462

DAVID M MC FARLAND
THOMAS L MC FARLAND
PO BOX 125
CARMEN, ID 83462

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



Signature of person or attorney mailing form