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**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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

FEB 10 2011

Subcase No. 75-00077B

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

Tom McFarland

CLAIMANT

Bruce McFarland

Tom McFarland 1/17/11
Tom McFarland, Pro Se Date

Bruce McFarland 1/17/11
Bruce McFarland, Pro Se Date

CLAIMANT

David McFarland

OBJECTOR

United States on behalf of the
Bureau of Land Management

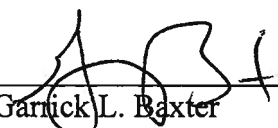
David McFarland 1/17/11
David McFarland, Pro Se Date

David L. Negri 2/8/11
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR Concurrence:

 1/24/11

Date
Greg Taylor
Stream Channel Protection Specialist

 2/8/2011

Date
Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

07/23/2010

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

RIGHT NUMBER: 75-77B

NAME AND ADDRESS: THOMAS L MC FARLAND
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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.700 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S23	NESE	7.40 9.70	T23N R22E S23	SESE	16.00 19.00
T23N R22E S24	NENW	9.50 12.00	T23N R22E S24	NWNW	0.30 11.00
T23N R22E S24	SWNW	24.00 34.00	T23N R22E S24	SENW	9.60 11.00
T23N R22E S24	NESW	12.00 14.00	T23N R22E S24	NWSW	32.00 40.00
T23N R22E S24	SWSW	36.00 40.00	T23N R22E S24	SESW	18.00 19.00
T23N R22E S25	NENW	11.00	T23N R22E S25	NWNW	37.00 39.00
T23N R22E S25	SWNW	28.00	T23N R22E S25	NWSW	1.80 0.30
T23N R22E S26	NENE	28.00	T23N R22E S26	SENE	10.00

~~280.73~~26 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 ~~280.73~~26 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 February 9, 2011, 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

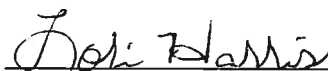
2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
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