

APR 21 2011

DEPARTMENT OF
WATER RESOURCESIN 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

A. Subcase 75-00063A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: DERROLD SLAVIN

Address: P.O. BOX 41

CARMEN, ID 83462

Daytime Phone: 208-756-3442

Name & Address of Attorney, if any:

MILTON A. SLAVIN

116 North Center Street

Salmon, ID 83467

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: BRUCE A. McFARLAND

Address: P.O. Box 124

Carmen, ID 83462

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: SLAVIN RANCHES
2. ☒ **Source**
Should be: Carmen Creek
3. ☒ **Quantity**
Should be: 1.3 CFS
4. ☒ **Priority Date**
Should be: May 1, 1884
5. ☒ **Point of Diversion**
Should be: Carmen Creek/NWSW/Sec 9/T22N R22E Lemhi County
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:** 1884 Priority, W. Smith water was improperly
up Carmen Creek.
☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with
the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** The attached Affidavit/Statement
of Derrold Slavin is submitted to respond to Bruce McFarland's
Letter/Objection to the recommendations for Water Right
Numbers: 75-10061E, 75-1061G, 75-1062E, and 75-10178.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Lemhi)

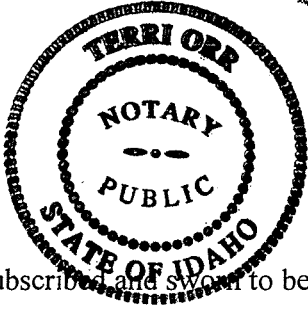
DERROLD SLAVIN, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Derrold Slavin
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



April 18, 2011
Terri Orr
Notary Public for State of Idaho

Residing at: Salmon, ID

My Commission Expires: 9/13/2016

AFFIDAVIT/STATEMENT - DERROLD SLAVIN

Knowledge of the decreed water right sold with the original McKinney homestead (now Slavin Ranches) was obscure for decades. Peter McKinney had a partial interest until 1922, but continued to use the water up the ditch, on adjoining land (the Smith-Martin homestead.) Absentee and corporate owners in Kansas - who received no sympathy from local water users - foreclosed and owned the Slavin Ranches until 1944. The knowledge of the water right was not shared; the water was diverted and claimed without deed.

The individuals who had the best access to water district records and history - the McFarlands - have been watermasters and/or water district secretary for generations. In charge of interpretation of water allocation and records over 60 years, they purchased that adjoining land to which the water had been diverted (the Smith-Martin homestead.)

Bruce, David, and Thomas McFarland transferred 1.3 cfs of the William Smith 1884 water to 106 acres (of 280 that have early priority water, at the first diversion in the creek.) As watermasters, they have offered 0.7 cfs of early priority water for the Slavins' 101.6 acres; one portion could receive 0.0037 cfs/acre - less than 6 inches total for 32.5 acres. This was the same proposal presented as a "stipulation," without recourse, by watermaster Archie McFarland (father) in 1970.

Historical records have shown that the Slavin Ranches - at the furthest end of the ditch - were "cut off" while equal or later priority water was delivered.

Our subsequent investigation has revealed that our property has 215 inches (4.3 cfs) deeded from the original owner, Peter McKinney, with chain of title, awarded by the court through three bankruptcies and sheriff sales.

4-18-11

Derrol Slavin

RECEIVED

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DEPARTMENT OF
WATER RESOURCES

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on APRIL 19, 2011, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

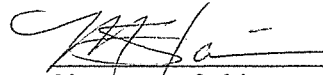
Name: BRUCE A. McFARLAND
Address: POB 124
CARMEN, ID 83412

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf