

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

JAN 19 2012

By _____

Clerk

Deputy Clerk

**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. 75-00063A

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:
Dave McFarland

Bruce McFarland 1/7/12
Bruce McFarland, Pro Se Date

Dave McFarland 1/6/12
Dave McFarland, Pro Se Date

741

CLAIMANT:
Tom McFarland

OBJECTOR:
United States of America
Bureau of Land Management

Tom McFarland 7 Jun 12
Tom McFarland, Pro Se Date

David Negri, Attorney Date

OBJECTOR:
Derrold Slavin
William & Barbara Slavin

Milton A. Slavin, Attorney Date

IDWR Concurrence:

Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CLAIMANT:

Tom McFarland

OBJECTOR:

United States of America
Bureau of Land Management

Tom McFarland, Pro Se Date

David Negri 1/6/12

David Negri, Attorney Date

OBJECTOR:

Derrold Slavin
William & Barbara Slavin

Milton A. Slavin, Attorney Date

IDWR Concurrence:

Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

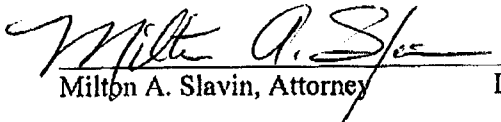
CLAIMANT:
Tom McFarland

OBJECTOR:
United States of America
Bureau of Land Management

Tom McFarland, Pro Se Date

David Negri, Attorney Date

OBJECTOR:
Derrold Slavin
William & Barbara Slavin

 1-9-12

Milton A. Slavin, Attorney Date

IDWR Concurrence:

Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CLAIMANT:
Tom McFarland

OBJECTOR:
United States of America
Bureau of Land Management

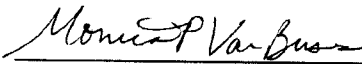
Tom McFarland, Pro Se Date

David Negri, Attorney Date

OBJECTOR:
Derrold Slavin
William & Barbara Slavin

Milton A. Slavin, Attorney Date

IDWR Concurrence:

 1/9/2012

Monica Van Bussum Date
Senior Water Resource Agent

 1/9/2012

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

DW
BM
TM

12/29/2011

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

RIGHT NUMBER: 75-63A

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

THOMAS MC FARLAND
PO BOX 124
CARMEN ID 83462

DAVID MC FARLAND
PO BOX 124
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1,300 CFS
371.00 AFY

PRIORITY DATE: 05/01/1884

POINT OF
DIVERSION: T23N R22E S13 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01/10/31	1,300 CFS 371.00 AFY

PLACE OF USE: IRRIGATION in LEMHI Count

T23N R22E S23	NENE	9.00	T23N R22E S23	SESE	19.00
T23N R22E S24	NENW	12.00	T23N R22E S24	NWNW	11.00
T23N R22E S24	SWNW	34.00	T23N R22E S24	SENW	11.00
T23N R22E S24	NESW	14.00	T23N R22E S24	NWSW	40.00
T23N R22E S24	SWSW	40.00	T23N R22E S24	SESW	19.00
T23N R22E S25	NENW	11.00	T23N R22E S25	NWNW	39.00
T23N R22E S25	SWNW	38.00	T23N R22E S25	NWSW	0.00
T23N R22E S26	NENE	28.00	T23N R22E S26	SENE	10.00

326 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 106 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 326 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.

12/29/2011

DM
BM
TM

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

This water right is subject to a private water agreement recorded January 3, 2012, among Derroid Slavin, William and Barbara Slavin, Bruce McFarland, Thomas McFarland, and David McFarland, and recorded in the Lemhi County Recorder's Office as Instrument No. 265827.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

12/29/2011

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

RIGHT NUMBER: 75-63A

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

THOMAS MC FARLAND
PO BOX 124
CARMEN ID 83462

DAVID MC FARLAND
PO BOX 124
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.300 CFS
371.00 AFY

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION: T23N R22E S13 SWSWSE Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.300 CFS 371.00 AFY
PLACE OF USE: IRRIGATION in LEMHI County		
T23N R22E S23 NESE	9.70	T23N R22E S23 SESE 19.00
T23N R22E S24 NENW	12.00	T23N R22E S24 NWNW 11.00
T23N R22E S24 SWNW	34.00	T23N R22E S24 SENW 11.00
T23N R22E S24 NESW	14.00	T23N R22E S24 NWSW 40.00
T23N R22E S24 SWSW	40.00	T23N R22E S24 SESW 19.00
T23N R22E S25 NENW	11.00	T23N R22E S25 NWNW 39.00
T23N R22E S25 SWNW	28.00	T23N R22E S25 NWSW 0.30
T23N R22E S26 NENE	28.00	T23N R22E S26 SENE 10.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

DN

12/29/2011

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

RIGHT NUMBER: 75-63A

NAME AND ADDRESS: BRUCE A MC FARLAND
PO BOX 124
CARMEN ID 83462

THOMAS MC FARLAND
PO BOX 124
CARMEN ID 83462

DAVID MC FARLAND
PO BOX 124
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.300 CFS
371.00 AFY

PRIORITY DATE: 05/01/1884

POINT OF
DIVERSION: T23N R22E S13 SWSWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.300 CFS 371.00 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S23	NESE	9.70	T23N R22E S23	SESE	19.00
T23N R22E S24	NENW	12.00	T23N R22E S24	NWNW	11.00
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24

12/29/2011

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

78

12/29/2011

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CARMEN ID 83462

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371.00 AFY

PRIORITY DATE: 05/01/1884

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PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		04/01 10/31		1.300 CFS 371.00 AFY	
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>					
	T23N R22E S23	NESE	9.70	T23N R22E S23	SESE	19.00
	T23N R22E S24	NENW	12.00	T23N R22E S24	NWNW	11.00
	T23N R22E S24	SWNW	34.00	T23N R22E S24	SENW	11.00
	T23N R22E S24	NESW	14.00	T23N R22E S24	NWSW	40.00
	T23N R22E S24	SWSW	40.00	T23N R22E S24	SESW	19.00
	T23N R22E S25	NENW	11.00	T23N R22E S25	NWNW	39.00
	T23N R22E S25	SWNW	28.00	T23N R22E S25	NWSW	0.30
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

JB
MLB

CERTIFICATE OF MAILING

I certify that on January 18, 2012, 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

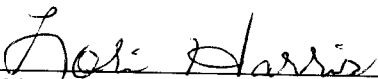
Copies to:

DERROLD SLAVIN
WILLIAM SLAVIN
BARBARA SLAVIN
Represented by:
MILTON A. SLAVIN
ATTORNEY AT LAW
116 N CENTER ST.
SALMON, ID 83467

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
DAVID MC FARLAND
THOMAS MC FARLAND
PO BOX 124
CARMEN, ID 83462

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



Signature of person or attorney mailing form