

631

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 19 2012	
By _____	Clerk
_____	Deputy Clerk

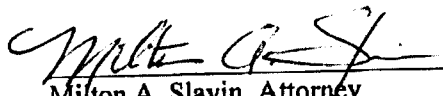
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 75-10062E
	)	
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: William Slavin & Barbara Slavin	OBJECTOR: Bruce McFarland
 Milton A. Slavin, Attorney	 Bruce McFarland, Pro Se
Date	Date

**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

Subcase No. 75-10062E

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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CLAIMANT:

William Slavin & Barbara Slavin

OBJECTOR:

Bruce McFarland

Milton A. Slavin, Attorney

Date

Bruce McFarland
Bruce McFarland, Pro Se

1/7/12
Date

OBJECTOR:
Dave McFarland

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

OBJECTOR:
Tom McFarland

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

IDWR Concurrence:

Monica Van Bussum Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

B-11

OBJECTOR:
Dave McFarland

Dave McFarland, Pro Se Date

OBJECTOR:
Tom McFarland

Tom McFarland, Pro Se Date

IDWR Concurrence:

 1/9/2012
Monica Van Bussum Date
Senior Water Resource Agent

 1/9/2012
Garnick D. Baxter Date
Deputy Attorney General
Attorney for IDWR

05/26/2011

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

RIGHT NUMBER: 75-10062E

NAME AND ADDRESS: WILLIAM G SLAVIN
PO BOX 255
CARMEN ID 83462

BARBARA K SLAVIN
PO BOX 255
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.220 CFS ~~0.248 CFS~~

This right when combined with all other rights shall provide no more than
0.04 cfs per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T22N R22E S9 ~~SW~~NWSW 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	~~0.248 CFS~~ 0.220 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S05	SWNE	13.00	T22N R22E S05	SENE	0.50
T22N R22E S05	NESE	0.60	T22N R22E S05	NWSE	24.00
T22N R22E S05	SWSE	15.00	T22N R22E S08	NWNE	16.00

69.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 69.1 acres in a single irrigation season. Combined Right Nos.: 75-10061E, 75-10062E, 75-14421 and 75-14704.

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

This water recommended under this water right is commonly known as exchange water.

74

DM
BM
TM

05/26/2011

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

RIGHT NUMBER: 75-10062E

NAME AND ADDRESS: WILLIAM G SLAVIN
PO BOX 255
CARMEN ID 83462

BARBARA K SLAVIN
PO BOX 255
CARMEN ID 83462

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.220 CFS ~~0.248 CFS~~

This right when combined with all other rights shall provide no more than
0.04 cfs per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/01/1982

POINT OF DIVERSION:

T22N R22E S9 SWNWSW within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04 1 10/31	~~0.248 CFS~~ 0.22 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S05	SWNE	15.00	T22N R22E S05	SENE	0.50
T22N R22E S05	NESE	0.50	T22N R22E S05	NWSE	24.00
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05/26/2011

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

RIGHT NUMBER: 75-10062E

NAME AND ADDRESS: WILLIAM G SLAVIN
PO BOX 255
CARMEN ID 83462

BARBARA K SLAVIN
PO BOX 255
CARMEN ID 83462

Handwritten initials: JB, MB

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.220 CFS ~~0.240 CFS~~

This right when combined with all other rights shall provide no more than 0.04 cfs per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T22N R22E S9 ~~SW~~NWSW 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	~~0.240 CFS~~ <u>0.220 CFS</u>

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S05	SWNE	13.00	T22N R22E S05	SENE	0.50
T22N R22E S05	NESE	0.60	T22N R22E S05	NWSE	24.00
T22N R22E S05	SWSE	15.00	T22N R22E S08	NWNE	16.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This water recommended under this water right is commonly known as exchange water.

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:

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

BRUCE MC FARLAND
DAVE MC FARLAND
TOM 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