



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 18, 2006

B J Driscoll
P.O. Box 50731
Idaho Falls, ID 83303-2707

RE: Subcase No. 27-7420 (City of Shelley)

Dear Mr. Driscoll:

A Standard Form 5 ("SF5") for the above-referenced subcase was recently filed with the Snake River Basin Adjudication ("SRBA") Court. Copies of the SF5 were provided to the parties simultaneously. Subsequent to the filing of the SF5, an error was discovered on the revised recommendation, which was attached to the SF5. A change in the quantity listed under the "Purpose and Period of Use" element reflected 14.5 AFY, however; the change was not properly reflected under the "Quantity" element of the recommendation. This element should have also reflected 14.5 AFY.

To correct this error, I am enclosing an Amended SF5. Please review the Amended SF5, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original document to me. I will obtain the signatures of the remaining parties and file the document with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Very Truly Yours,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

cc: Jeanette Wolfley
David J. Barber
Ernie Carlsen

**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. 27-7420
	)	
Case No. 39576	)	AMENDED
	)	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/RESPONDENT:

City of Shelley

B.J. Driscoll	Date
Attorney for Claimant/Respondent	

OBJECTOR:

RESPONDENT:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Ernest Carlsen Date
IDWR Adjudication Supervisor

Candice M. McHugh Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-7420

NAME AND ADDRESS: CITY OF SHELLEY
101 S EMERSON AVE
SHELLEY ID 83274

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS
14.5 AFY

PRIORITY DATE: 06/17/2003

POINT OF
DIVERSION: T01N R37E S31 NENWNW Lot 2 Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	1/01 12/31	0.020 CFS
		<u>14.5 AFY</u>

PLACE OF USE: MUNICIPAL Within BINGHAM County
T01N R37E S31 NWNW

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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

CERTIFICATE OF MAILING

I certify that on _____, 2006, 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

CITY OF SHELLEY
Represented by:
B J DRISCOLL
PO BOX 50731
IDAHO FALLS, ID 83405

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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

Signature of person or attorney mailing form