

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 APR 2 AM 10 20

RECEIVED

MAR 15 2007

DEPARTMENT OF
WATER RESOURCES

RECEIVED

APR 04 2007

DEPARTMENT OF
WATER RESOURCES

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. 27-11344
)
)

Case No. 39576

) STANDARD FORM 5
)

) AMENDED CLAIM
)

) FOR DOMESTIC & STOCKWATER RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Torgesen Ranch, Inc.



Kent W. Foster

Attorney for Claimant

3/22/07
Date

OBJECTOR:

Jeanette Wolfley 2/12/07
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

David J. Barber 3/14/07
David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Cindy Bird 1/29/07
Cindy Bird Date
Senior Water Resource Agent

Garrick E. Baxter 11/23/07
Garrick E. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11344

NAME AND ADDRESS:

IORGESEN RANCH INC
C/O KENT FOSIER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE:

Source:
SPRINGS

Tributary:

SINKS

QUANTITY:

0.020 CFS

2.110 AFY

~~0.000 AFY~~ *JW* *CB* *AS*

Right Nos. 27-12094, 27-12095 and 27-11344 are limited to a total combined annual diversion volume of 2.11 AF.

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1946

POINT OF DIVERSION: T07S R42E S26 NWNEW End of Stream Flow
Within CARIBOU County

T07S R42E S26 SENENW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

05/15 10/01 *CB*

~~04/01 11/01~~

0.020 CFS

2.11 AFY

PLACE OF USE:

STOCKWATER

within CARIBOU County

T07S R42E S26 NENW

ACRES TOTAL

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

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 250 cow-calf pairs.
UP TO 250 CATTLE RP 14670

CB
AB

2/B
CH

CERTIFICATE OF MAILING

I certify that on March 28, 2007, 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

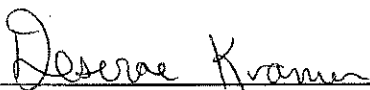
2. Copies to:

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

TORGESSEN RANCH INC
Represented by:
KENT W FOSTER
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405


Signature of person or attorney mailing form