

DISTRICT COURT - 3RDA
TWIN FALLS CO., IDAHO
FILED

2007 AUG 22 AM 9 56

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. 27-12020

Case No. 39576

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER RIGHT

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:

Jouglaard Sheep Co., Inc.

OBJECTOR:

Shoshone-Bannock Tribes

By:

Title: Res.

Date _____

Jeanette Wolfley

Attorney for Objector

Date _____

RESPONDENT:

State of Idaho

David J. Barber 5/31/2007
David J. Barber Date
Attorney for Respondent

IDWR Concurrence:

Cindy L. Bird 8/14/07
Cindy Bird Date
Senior Water Resource Agent

Garrick L. Baxter
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12020

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE: UNNAMED STREAM

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.020 CFS
2.45 AFY *gm*

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

PRIORITY DATE: 04/01/1946 *2QB*

POINT OF

DIVERSION:

T08S R43E S15 SENWSW Begin of Stream Flow Within CARIBOU County
T08S R43E S15 SWSWSW End of Stream Flow Within CARIBOU County
T08S R43E S21 NENENE End of Stream Flow Within CARIBOU County
T08S R43E S21 SENENE Begin of Stream Flow Within CARIBOU County *JB*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/15 10/31

0.020 CFS

2.45 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T08S R43E S15

NWSW

T08S R43E S15

SWSW

T08S R43E S21

NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use

Stockwater use is for 2000 sheep.

CERTIFICATE OF MAILING

I certify that on August 20, 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

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

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



Signature of person or attorney mailing form