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DEPARTMENT OF  
WATER RESOURCES

2008 FEB 20 11:42  
TWIN FALLS COUNTY AND  
FILED

2008 FEB 24 09:11:42

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. 27-11898

STANDARD FORM 5

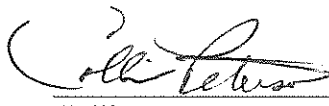
STIPULATED ELEMENTS OF A  
WATER RIGHT

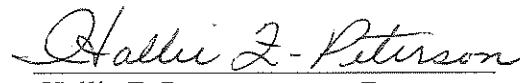
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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(s):

  
Collin D. Peterson      1/30/08  
Date

  
Hallie F. Peterson      1/30/08  
Date

**OBJECTOR:**

Jeanette Wolfley 1/18/08  
Jeanette Wolfley Date  
Attorney for Shoshone-Bannock Tribes

**RESPONDENT:**

David J. Barber 2/6/08  
David J. Barber Date  
Attorney for State of Idaho

**IDWR Concurrence:**

Cindy E. Bird 1/7/08  
Cindy Bird Date  
Senior Water Resource Agent

Andrea L. Courtney 1/2/08  
Andrea L. Courtney Date  
Deputy Attorney General  
Attorney for IDWR

01/02/2008

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

RIGHT NUMBER: 27-11898

NAME AND ADDRESS: COLLIN D PETERSON  
1046 E 700 N  
SHELLEY ID 83274

HALLIE F PETERSON  
1046 E 700 N  
SHELLEY ID 83274

SOURCE: GROUND WATER

TRIBUTARY: CP HP

QUANTITY: 0.030 CFS  
5.25 AFY

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

PRIORITY DATE: 06/01/1900

POINT OF  
DIVERSION:

T01S R37E S28 NESE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| DOMESTIC              | 01/01 12/31          | 0.030 CFS<br>0.05 AFY |
| STOCKWATER            | 11/01 05/31          | 0.030 CFS<br>5.20 AFY |

PLACE OF USE: STOCKWATER in BINGHAM County

T01S R37E S28 NESE

DOMESTIC in BINGHAM County

T01S R37E S28 NESE

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 400 cow-calf pairs.

## CERTIFICATE OF MAILING

I certify that on February 12, 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  
P.O. BOX 44449  
BOISE, ID 83711-4449

DIRECTOR OF IDWR  
P.O. BOX 83720  
BOISE, ID 83720-0098

COLLIN D. PETERSON  
HALLIE F. PETERSON  
1046 E 700 N  
SHELLEY, ID 83274

  
\_\_\_\_\_  
Signature of person or attorney mailing the form