

DEPARTMENT OF
WATER RESOURCES

COPY

WILLIAM CLOUTIER, JR.
1000 FALLS CH., WASHO
76143

2008 FEB 19 AM 10 53

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

Subcase No. 27-12128

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.

OBJECTOR:

Shoshone-Bannock Tribes

Scott Smith 1/31/08
 FOR Randall C. Budge Date
 Attorney for Claimant

Jeanette Wolfley 1/30/08
Date
Attorney for Objector

IDWR Concurrence:

Cindy L Bird 1/28/08
Cindy Bird Date
Senior Water Resource Agent

Andrea L Courtney 1/24/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

01/18/2008

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

RIGHT NUMBER: 27-12128

NAME AND ADDRESS: CHESTERFIELD L & L
C/O RONDO PERKINS
3124 NIPPER RD
BANCROFT ID 83217

SOURCE: UNNAMED STREAM

TRIBUTARY: TWENTYFOUR MILE CREEK

QUANTITY: 0.020 CFS
1.19 AFY

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

PRIORITY DATE: 05/05/1925

POINT OF
DIVERSION:

T05S R39E S32 SWSWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/05 11/15

0.020 CFS

1.19 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R39E S32 SWSW

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 100 head.

CERTIFICATE OF MAILING

I certify that on Feb. 14th, 2008, 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

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

CHESTERFIELD L & L
Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098

Deserie Kramer
Signature of person or attorney mailing form