

COPY

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FEB 26 2008
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

Case No. 39576

Subcase No. 27-11928

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):

Merlin Yancey 8 Feb 2008
Merlin Yancey Date

Dorothy H. Yancey 8-Feb-2008
Dorothy H. Yancey Date

STANDARD FORM 5 – Water Right No. 27-11928

OBJECTOR:

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

RESPONDENT:

David J. Barber 2/19/2008
David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Cindy L. 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: 27-11928
NAME AND ADDRESS: MERLIN YANCEY
707 W 300 S
BLACKFOOT ID 83221
DOROTHY H YANCEY
707 W 300 S
BLACKFOOT ID 83221

SOURCE: GROUND WATER
QUANTITY: 0.040 CFS
2.32 AFY

TRIBUTARY:

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

PRIORITY DATE: 03/11/1968

POINT OF
DIVERSION:
T03S R34E S23 NENE 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	0.040 CFS 1.20 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.12 AFY

PLACE OF USE: STOCKWATER in BINGHAM County
T03S R34E S23 NENE
DOMESTIC in BINGHAM County
T03S R34E S23 NENE

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 50 cow-calf pairs.

CERTIFICATE OF MAILING

I certify that on February 21, 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

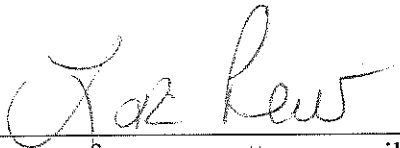
2. Copies to:

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

DOROTHY H. YANCEY
MERLIN YANCEY
707 W 300 S
BLACKFOOT, ID 83221



Signature of person or attorney mailing the form