



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

March 6, 2008

David J. Barber  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

*Sent via Statehouse Mail*

RE: Subcase Nos. 27-12043, 27-12052, 27-12053, 27-12054, 27-12055,  
27-12056, 27-12057, 27-12058, 27-12059, 27-12060 & 27-12061  
(Bear Lake Grazing Co.)

Dear David:

I am enclosing an SF5 for each of the above-referenced subcases. Please review the SF5s, and if they are acceptable to you, please sign on the indicated signature lines and initial the recommendations. If you want to return the original documents to me, I can file the SF5s with the SRBA Court and provide copies to the parties.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams  
Paralegal

Enclosures

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. 27-12043  
)  
)  
)  
)  
)

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:**

Bear Lake Grazing Co.

**OBJECTOR:**

Shoshone-Bannock Tribes

*Jean R. Bunderson* 2/29/08  
By: \_\_\_\_\_ Date  
Title: *Managing General*  
*Partner*

*Jeanette Wolfley* 2/26/08  
\_\_\_\_\_  
Jeanette Wolfley Date  
Attorney for Objector

STANDARD FORM 5 – Water Right No. 27-12043

**RESPONDENT:**

State of Idaho

\_\_\_\_\_  
David J. Barber                      Date  
Attorney for Respondent

**IDWR Concurrence:**

Cindy E. Bird      2/13/08  
Cindy Bird                      Date  
Senior Water Resource Agent

Andrea L. Courtney      2/18/08  
Andrea L. Courtney                      Date  
Deputy Attorney General  
Attorney for IDWR

02/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12043

NAME AND ADDRESS: BEAR LAKE GRAZING CO  
C/O ROWDEEN KEETCH  
3632 BENCH RD  
MONTPELIER ID 83254

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS  
36.64 AFY

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

Use of this right with rights listed below is limited to a total combined annual diversion volume for stockwater of 36.64 af. Combined Right Nos.: 27-12043, 27-12052, 27-12053, 27-12054, 27-12055, 27-12056, 27-12057, 27-12058, 27-12059, 27-12060 and 27-12061.

PRIORITY DATE: 10/04/1886

POINT OF  
DIVERSION:

T07S R44E S15 NWNWNW End of Stream Flow Within CARIBOU County  
T07S R44E S15 SESWNW Begin of Stream Flow Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>  |
|-----------------------|----------------------|------------------|
| STOCKWATER            | 05/01 11/15          | 0.020 CFS        |
|                       |                      | <u>36.64 AFY</u> |

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R44E S15 NWNW T07S R44E S15 SWNW

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, 3000 COW-CALF PAIRS.

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 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

BEAR LAKE GRAZING CO  
C/O ROWDEEN KEETCH  
3632 BENCH RD.  
MONTPELIER, ID 83254

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Signature of person or attorney mailing the form