



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. 27-12060

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

Joan L Bunderson 2/29/08 *Jeanette Wolfley* 2/26/08
By: _____ Date _____
Title: *Managing General* *Attorney for Objector*
Partner

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: 27-12060

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

SOURCE: SPRING

TRIBUTARY: SAND CREEK

QUANTITY: 0.020 CFS
28.35 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: 10/18/1886

POINT OF
DIVERSION:

T07S R44E S11 SWSESW End of Stream Flow Within CARIBOU County
T07S R44E S14 NENENE Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

06/01 11/01

0.020 CFS

28.35 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R44E S11

SESW

T07S R44E S11

SWSE

T07S R44E S14

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, ~~1000 CATTLE~~ 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

Signature of person or attorney mailing the form