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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2008 APR 3 AM 10 23

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. 27-12059

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

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

STANDARD FORM 5 – Water Right No. 27-12059

RESPONDENT:

State of Idaho

David J. Barber 3/27/2008
David J. Barber Date
Attorney for Respondent

IDWR Concurrence:

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

Andrea L. Courtney 2/8/08
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: 27-12059

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

SOURCE: SPRING

TRIBUTARY: LANES 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:

T06S R44E S32 SWNWSE Begin of Stream Flow Within CARIBOU County
T07S R44E S3 NWNWSW End 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

T06S R44E S32 NWSE

T06S R44E S32 SESE

T07S R44E S03 NWSW

T07S R44E S04 Lot 2 NWNE

T07S R44E S04 NESE

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, 3000 CATTLE COW-CALF PAIRS.

CERTIFICATE OF MAILING

I certify that on April 1, 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