



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

April 16, 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 No. 27-12010 (Hunsaker Ranching, Inc.)

Dear David:

I am enclosing an SF5 for the above-referenced subcase. Please review the SF5, and if it is acceptable to you, please sign on the indicated signature line and initial the recommendation. If you want to return the original document to me, I can file the SF5 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

Enclosure

**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	)	Subcase No. 27-12010
	)	
Case No. 39576	)	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/RESPONDENT:

Hunsaker Ranching, Inc.

By: *Keith Hunsaker* Date *4-9-08*
Title: *President*

STANDARD FORM 5 – Water Right No. 27-12010

OBJECTOR:

Jeanette Wolfley 4/14/08
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Cindy L Bird 4/9/08
Cindy Bird Date
Senior Water Resource Agent

Andrea L Courtney 4/16/08
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

04/02/2008

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12010

NAME AND ADDRESS: HUMSAKER RANCHING INC
3804 BLACKFOOT RIVER RD
PO BOX 324
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.020 CFS
2.38 AFY

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

PRIORITY DATE: 08/01/1891

POINT OF
DIVERSION:

T07S R43E S25 NENE Begin of Stream Flow Within CARIBOU County
T07S R43E S25 NWNWSW End 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	01/01-12/31 05/01 11/01	0.020 CFS <u>2.38 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R43E S25	NENE	T07S R43E S25	NWNE
T07S R43E S25	SWNE	T07S R43E S25	SWNW
T07S R43E S25	SENW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

No beneficial use found on irrigation under 27-4156.

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 350 range cows.

This right is a split from former right 27-4156.

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

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

HUNSAKER RANCHING, INC.
3804 BLACKFOOT RIVER RD
P.O. BOX 324
SODA SPRINGS, ID 83276

Signature of person or attorney mailing the form