



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 8, 2008

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

REF: 27-4068, 27-11998 and 27-11999

Subject: Settlement Agreement with the Tribes

RECEIVED

MAY 12 2008

DEPARTMENT OF
WATER RESOURCES

Dear Lynn,

In response to my May 6th letter on your settlement agreement with Jeanette Wolfley, Special Council, for the Shoshone-Bannock Tribes. I have a better understanding of what your the settlement should be. You have a total of 300 cow-calf pairs for 214 day. The season of use is from 5/1 to 11/30. Also, there should be a combined limit condition on this right 27-4068 as well as 27-11998 and 27-11999. The condition should say the following: **The rights listed below are limited to a total combined annual diversion volume for stock water of 3.94 afy. Combined Right Nos.: 27-4068, 27-11998 and 27-11999.**

Sincerely,

Cindy E. Bird

Cc: Ray Williams, paralegal
Andrea Courtney, attorney

Jeanette Wolfley, ISB #3948
Attorney At Law
202 North Arthur
Pocatello, ID 83204
(208) 232-1922
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wolfleyj@ida.net

FAXED

Attorney for Shoshone-Bannock Tribes

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Water Right Claim: 27-04068
	)	
	)	
Case No. 39576	)	SETTLEMENT AGREEMENT
_____	)	

The Shoshone-Bannock Tribes ("Tribes") and Lynn Rasmussen, do hereby agree to settle claims for Stockwater use for the above-entitled water right as follows:

1. The Tribes filed objections to Lynn Rasmussen's water right in the above-entitled subcase (the "Water Right").
2. The Tribes' objection was based on two issues. The first concerned the lack of an annual volumetric limitation of the Claimant's Stockwater right no. 27-04068. The second concerned the period of year of the claimant's irrigation water right.
3. The volumetric limit for Stockwater use for this water right has been agreed to as follows:

<u>Water Right No.</u> 27-04068	<u>Purpose of Use</u> Stockwater	<u>Period of Use</u> 01/01-12/31	<u>Quantity</u> ~~1.28 AFY~~ 3.94 AFY
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Remarks:

Note: Calculation is based on 300 cow/calf pairs for 30 days and 120 cow/calf pairs for 190 days.

SETTLEMENT AGREEMENT
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The rights listed below are limited to a total combined annual diversion volume for stockwater of 3.94 AFY. Combined Rights NOS.: 27-4068, 27-11998 and 27-1199