

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

February 26, 2009

Keith Hunsaker
Hunsaker Ranching, Inc.
P.O. Box 324
Soda Springs, ID 83276

RE: SRBA Subcase No. 27-12010 (Hunsaker Ranching, Inc.)

Dear Mr. Hunsaker:

I am enclosing an Amended Standard Form 5 ("Amended SF5") for the above-referenced water right. An SF5 was signed by you on April 9, 2008, and filed with the SRBA Court on May 14, 2008. Subsequent to that filing, IDWR has discovered errors in that document. Accordingly, I am enclosing the Amended SF5 to correct those errors. Please review the document, and if it is acceptable, please sign on the indicated signature line, initial the revised recommendation and return the original Amended SF5 to me in the self-addressed stamped envelope that I have enclosed for your convenience. I will obtain the remaining signatures, file the document 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 (208) 287-4815 or Michael Holliday, Senior Water Resource Agent at IDWR's Eastern Regional Office in Idaho Falls at 525-7161.

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	)	Subcase No. 27-12010
	)	
Case No. 39576	)	AMENDED
	)	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.

**SIGN
HERE**

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: _____ Date _____
Title: _____

OBJECTORS:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

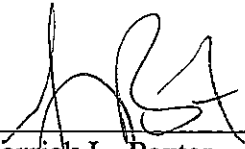
Peter C. Monson, USDOJ Date
Attorney for BIA

RESPONDENT:

David J. Barber Date
Attorney for State of Idaho

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent



Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

2/26/09

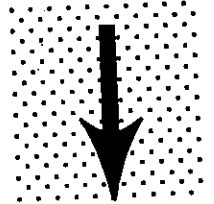
IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

INITIAL
HERE

RIGHT NUMBER: 27-12010

NAME AND ADDRESS:

HUNSAKER RANCHING INC
3804 BLACKFOOT RIVER RD
PO BOX 324
SODA SPRINGS ID 83276



SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

JS

QUANTITY:

0.020 CFS

2.100 AFY

~~2.380 AFY~~

Right Nos. 27-45 and 27-12010 are limited to a total combined annual diversion volume of 2.1 AF for stockwater.

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 NENENE Begin of Stream Flow
Within CARIBOU County

T07S R43E S25 NWNWSW End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/01

0.020 CFS 2.10 AFY

~~0.020 CFS 2.38 AFY~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T07S R43E S25 NENE

T07S R43E S25 NWNE

T07S R43E S25 SWNE

T07S R43E S25 SWNW

T07S R43E S25 SENW

T07S R43E S25 NWSW

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

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

~~No beneficial use found on irrigation under 27-4156.~~

~~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 300 cow/calf pairs.

~~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 _____, 2009, 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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

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

Signature of person or attorney mailing form