



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

April 7, 2009

Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202

RE: Subcase Nos. 27-51B & 27-11919 (Morales)

Dear Jeanette:

I am enclosing a Stipulation for each of the above-referenced water rights. Please review the Stipulations, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. Please circulate the original Stipulations to the remaining parties and return the signed documents to me. I will obtain the remaining IDWR signatures, file the originals 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 black ink, appearing to read "Ray Williams", with a stylized flourish at the end.

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. 27-51B
	)	
Case No. 39576	)	
	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION
_____	)	

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 claimant and IDWR agree and stipulate that the stockwater component of this water right should be described as attached. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation diversion volume are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT(s):

Louis Morales Date

Susan Morales Date

OBJECTORS:

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

David J. Barber Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-51B

NAME AND ADDRESS:

LOUIS MORALES
1577 E WOLVERINE RD
FIRTH ID 83236

SUSAN MORALES
1577 E WOLVERINE RD
FIRTH ID 83236

SOURCE: Source: Tributary:
WOLVERINE CREEK BLACKFOOT RIVER

QUANTITY: 0.140 CFS

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

PRIORITY DATE: 07/01/1882

POINT OF DIVERSION:

T02S R38E S10 SENENE
Within BINGHAM County

PURPOSE AND PERIOD OF USE:	Purpose of use:	Period of use:	Quantity:
	IRRIGATION	<u>04/15 10/31</u> ~~04/01 10/31~~	0.140 CFS
	STOCKWATER	01/01 12/31	0.010 CFS <u>0.29 AFY</u>

PLACE OF USE: IRRIGATION within BINGHAM County
T02S R38E S10 SENE 4.3
T02S R38E S10 NESE 1.3
STOCKWATER Same As IRRIGATION
5.6 ACRES TOTAL

Right Nos. 27-51B and 27-11919 are limited to the irrigation of a combined
total of 5.6 acres in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
Stockwater use is for 20 range cattle and 2 horses.

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:

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

COMMITTEE OF NINE
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

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

LOUIS MORALES
SUSAN MORALES
1577 E. WOLVERINE RD.
FIRTH, ID 83236

Signature of person or attorney mailing the form

**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. 27-11919
	)	
Case No. 39576	)	
	)	STIPULATION
	)	
	)	
_____	)	

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The claimant and IDWR agree and stipulate that the season of use element should be described as attached. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation diversion volume are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

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Susan Morales Date

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Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

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Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

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Michael Holliday Date
Senior Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
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