



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

April 8, 2009

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

RE: Subcase Nos. 27-2080A, 27-2080B, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12025, 27-12026, & 27-12144 (Jougland Sheep Co.)

Dear Jeanette:

I am enclosing a Amended Stipulations and Amended SF5s for the above-referenced water rights. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. Please circulate the original documents 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 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. 27-12019
	)	
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.

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:

Jougard Sheep Co., Inc.

OBJECTOR:

Shoshone-Bannock Tribes

Alicia Dredge	Date
President	

Jeanette Wolfley	Date
Attorney for Objector	

RESPONDENT:

State of Idaho

David J. Barber Date
Attorney for Respondent

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: 27-12019

NAME AND ADDRESS:

JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT ID 83350

SOURCE:

Source:

UNNAMED STREAM
SPRING

Tributary:

TRAIL CREEK

QUANTITY:

0.020 CFS

1.000 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.7 af for stockwater. Combined Right Nos.: 27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, 27-12144, and 27-12191.

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

PRIORITY DATE:

04/01/1946

POINT OF DIVERSION:

T08S R43E S19 NENESW Begin of Stream Flow
Within CARIBOU County

T08S R43E S20 NENWNE End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

05/15 10/31

~~04/15 10/31~~

0.020 CFS

1.00 AFY

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

PLACE OF USE: STOCKWATER within CARIBOU County
T08S R43E S19 NENE
T08S R43E S19 NWNE
T08S R43E S19 SWNE
T08S R43E S19 SENW
T08S R43E S19 NESW
T08S R43E S20 NWNE
T08S R43E S20 NENW
T08S R43E S20 NWNW

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 use is for 1000 sheep.

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

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

JOUGLARD SHEEP CO., INC.
P.O. BOX 245
RUPERT, ID 83350

Signature of person or attorney mailing the form