



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

April 13, 2009

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

RE: *SRBA Subcase Nos. 27-85A, 27-11992, 27-12050, 27-12093 &
27-12106 (Rock & Water Capital Partners/Panter)*

Dear Jeanette:

I am enclosing an Amended SF5 for water right nos. 27-12093 & 27-12106, and Stipulations to Resolve Objections for water right nos. 27-85A, 27-11992 & 27-12050. Please review the documents, and they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. After signature, please circulate the documents to the other parties for signature and return the original documents to me. I will obtain the signatures from IDWR and file the documents with the SRBA Court.

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. 27-11992
	)	
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 parties and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the objections to the quantity of the stockwater component of this water right. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe concerning an annual irrigation diversion volume and the period of use, and the Bureau of Indian Affairs objections concerning an annual irrigation diversion volume are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT:

Rock & Water Capital Partners, LLC

Randall C. Budge	Date
Attorney for Claimant	

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: 27-11992

NAME AND ADDRESS: ROCK AND WATER CAPITAL PARTNERS LLC
115 2ND AVE
DECATOR GA 30030

SOURCE: JOHNSON CREEK

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.910 CFS

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-85A, 27-11992, 27-12093 and 27-12106.

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

PRIORITY DATE: 01/30/1909

POINT OF
DIVERSION:

T08S R43E S5 SENESE Within CARIBOU County

~~T08S R43E S7 NESENE Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	04/01 10/31	0.020 CFS <u>2.36 AFY</u>
IRRIGATION	04/15 10/31	0.910 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T08S R43E S05 Lot 1 NENE	14.00	T08S R43E S05 Lot 2 NWNE	11.00
T08S R43E S05 SWNE	5.30	T08S R43E S05 SENE	15.00

STOCKWATER same as IRRIGATION

45.3 ACRES TOTAL

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 - License

This right is a split from former right 27-2011.

Right includes accomplished change in point of diversion pursuant to Section

Stipulation

27-11992

42-1425, Idaho Code.

Stockwater use is for 300 range cattle.

~~Right includes accomplished change in place of use 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

COMMITTEE OF NINE

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

ROCK & WATER CAPITAL PARTNERS, LLC

Represented by:
RANDALL C. BUDGE
201 E CENTER, STE A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

COMMITTEE OF NINE

Represented by:
RAY W. RIGBY
25 N 2ND E
P.O. BOX 250
REXBURG, ID 83440-0250

Signature of person or attorney mailing the form