



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. 27-11016, 27-12000, 27-12003, 27-12004, 27-12005,  
& 27-12009 (Preston R. Allen & Sons Partnership)*

Dear Jeanette:

I am enclosing an SF5 for water right nos. 27-12000, 27-12004, 27-12005 & 27-12009 and Stipulations to Resolve Objections for water right nos. 27-11016 & 27-12003. 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. 27-11016

Case No. 39576

**STIPULATION TO RESOLVE  
OBJECTIONS**

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 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 and the 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:**

Preston R. Allen & Sons Partnership

By: \_\_\_\_\_ Date \_\_\_\_\_  
Title:

**OBJECTORS:**

\_\_\_\_\_  
Peter C. Monson, USDOJ      Date  
Attorney for BIA

\_\_\_\_\_  
Jeanette Wolfley      Date  
Attorney for Shoshone-Bannock Tribes

**RESPONDENT:**

\_\_\_\_\_  
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

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RIGHT NUMBER: 27-11016

NAME AND ADDRESS: PRESTON R ALLEN & SONS PARTNERSHIP  
1744 CEDAR VIEW RD  
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 27.200 CFS

The rights listed below are limited to a total combined diversion rate of 27.2 cfs. Combined Right Nos.: 27-11016, 27-12027 and 27-10096.

The rights listed below are limited to a total combined annual diversion volume of 9.17 af for stockwater. Combined Right Nos.: 27-11016, 27-12000, and 27-12004.

PRIORITY DATE: 11/01/1886

POINT OF  
DIVERSION:

T07S R43E S26 SWNESE Within CARIBOU County

T07S R43E S26 SWNESE Within CARIBOU County

~~T07S R43E S26 SENESE Within CARIBOU County~~

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE: | PERIOD OF USE: | QUANTITY:        |
|-----------------|----------------|------------------|
| IRRIGATION      | 04/15 07/01    | 27.200 CFS       |
| STOCKWATER      | 04/15 07/01    | 0.040 CFS        |
|                 |                | <u>2.400 AFY</u> |

PLACE OF USE: IRRIGATION in CARIBOU County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T07S R43E S26 | SWSW | 28.00 | T07S R43E S26 | SESW | 17.00 |
| T07S R43E S26 | NESE | 0.60  | T07S R43E S26 | SWSE | 31.00 |
| T07S R43E S26 | SESE | 11.00 | T07S R43E S27 | SWNE | 8.00  |
| T07S R43E S27 | SENW | 2.00  | T07S R43E S27 | NESW | 7.00  |
| T07S R43E S27 | SWSW | 4.50  | T07S R43E S27 | SESW | 37.00 |
| T07S R43E S27 | NESE | 2.40  | T07S R43E S27 | NWSE | 13.00 |
| T07S R43E S27 | SWSE | 24.00 | T07S R43E S27 | SESE | 39.00 |
| T07S R43E S34 | NENE | 40.00 | T07S R43E S34 | NWNE | 40.00 |
| T07S R43E S34 | SWNE | 40.00 | T07S R43E S34 | SENE | 39.00 |
| T07S R43E S34 | NENW | 40.00 | T07S R43E S34 | NWNW | 31.00 |
| T07S R43E S34 | SENW | 40.00 | T07S R43E S34 | NESW | 30.00 |
| T07S R43E S34 | NESE | 15.00 | T07S R43E S34 | NWSE | 20.00 |

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

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|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T07S R43E S34 | SWSE | 19.00 | T07S R43E S34 | SESE | 40.00 |
| T07S R43E S35 | NWNE | 20.00 | T07S R43E S35 | SWNE | 25.00 |
| T07S R43E S35 | NENW | 22.00 | T07S R43E S35 | NWNW | 27.00 |

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T07S R43E S35       | SWNW | 19.00 | T07S R43E S35       | SENW | 37.00 |
| T07S R43E S35       | NESW | 40.00 | T07S R43E S35       | NWSW | 32.00 |
| T07S R43E S35       | SWSW | 40.00 | T07S R43E S35       | SESW | 34.00 |
| T07S R43E S35       | NWSE | 23.00 | T07S R43E S35       | SWSE | 15.00 |
| T08S R43E S02 Lot 3 | NENW | 6.50  | T08S R43E S02 Lot 4 | NWNW | 35.00 |
| T08S R43E S03 Lot 1 | NENE | 27.00 |                     |      |       |

STOCKWATER same as IRRIGATION

1021 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1021 acres in a single irrigation season. Combined Right Nos.: 27-11016, 27-12027, and 27-10096.

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

This right is a combination of old Right Nos. 27-32, 27-42, 27-43 and 27-44.

Stockwater use is for 500 cow/calf pairs.

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

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

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

PRESTON R. ALLEN & SONS  
PARTNERSHIP  
2601 E 300 S  
DECLO, ID 83323

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

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Signature of person or attorney mailing the form