



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. 27-12003

)

Case No. 39576

)

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**STIPULATION TO RESOLVE
OBJECTIONS**

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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, as well as the claimant's objection to the priority date element of the Director's Report. **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/OBJECTOR:

Preston R. Allen & Sons Partnership

Jerry R. Rigby

Date

Attorney for Claimant/Objector

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

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: 27-12003

NAME AND ADDRESS:

PRESTON R ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE: Source:
SLUG CREEK

Tributary:
BLACKFOOT RIVER

QUANTITY: 6.460 CFS

Right Nos. 27-12003 and 27-12005 are limited to a total combined annual diversion volume of 9.17 AF for stockwater.

PRIORITY DATE: 10/11/1886
~~04/01/1952~~

POINT OF DIVERSION:

T08S R43E S13 NWSW
Within CARIBOU County

~~T08S R43E S13 NWNWSW~~
~~Within CARIBOU County~~

T08S R43E S14 NWSNE
Within CARIBOU County

T08S R43E S24 SWNE
Within CARIBOU County

T08S R43E S24 NESENW
Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use:	Period of use:	Quantity:
	IRRIGATION	04/15 10/31	6.460 CFS
	STOCKWATER	01/01 12/31	0.240 CFS <u>9.17 AFY</u>

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

PLACE OF USE: IRRIGATION within CARIBOU County

T08S R43E S11 SWSE 2.2

T08S R43E S11 SESE 37.0

T08S R43E S13 NWNW 3.0

T08S R43E S13 SWNW 26.0

T08S R43E S13 NWSW 32.0

T08S R43E S13 SWSW 32.0

T08S R43E S14 NENE 40.0

T08S R43E S14 NWNE 3.9

T08S R43E S14 SWNE 8.2

T08S R43E S14 SENE 32.0

T08S R43E S14 NESW 0.8

T08S R43E S14 NESE 39.0

T08S R43E S14 NWSE 38.0

T08S R43E S14 SWSE 3.8

T08S R43E S14 SESE 25.0

STOCKWATER Same As IRRIGATION

322.9 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 - Posted Notice ~~BASIS OF CLAIM - Beneficial Use~~

This right is a split from former right 27-4157.

Stockwater use is for 500 single range cows Nov 16th to April 30th (3.06 AF) and 500 pairs from May 1st to Nov 15th (6.11 AF).

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

PRESTON R. ALLEN & SONS
Represented by:
JERRY R. 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

Signature of person or attorney mailing the form