



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. 27-12004
	)	
Case No. 39576	)	
	)	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:

Preston R. Allen & Sons Partnership

OBJECTOR:

Shoshone-Bannock Tribes

By: _____ Date _____
Title: _____

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: 27-12004

NAME AND ADDRESS:

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

SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.020 CFS

9.170 AFY

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.

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

PRIORITY DATE:

04/01/1885

POINT OF DIVERSION:

T07S R43E S26 NENESE Begin of Stream Flow
Within CARIBOU County

~~T07S R43E S26 SENESE Begin of Stream Flow~~
~~Within CARIBOU County~~

T07S R43E S34 NWNESW End of Stream Flow
Within CARIBOU County

~~T07S R43E S34 SWNESW End of Stream Flow~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.020 CFS

9.17 AFY

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

PLACE OF USE: STOCKWATER within CARIBOU County

T07S R43E S26 NESE

T07S R43E S26 SWSE

T07S R43E S26 SESE

T07S R43E S34 SENE

T07S R43E S34 NESW

T07S R43E S34 NESE

T07S R43E S34 NWSE

~~T07S R43E S34 SWSE~~

T07S R43E S35 NWNE

T07S R43E S35 NENW

T07S R43E S35 SWNW

T07S R43E S35 SENW

T07S R43E S35 NWSW

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

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

PRESTON R. ALLEN & SONS

PARTNERSHIP
1744 CEDAR VIEW RD.
SODA SPRINGS, ID 83276

Signature of person or attorney mailing the form