



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 No. 27-11317 (Hubbard)*

Dear Jeanette:

I am enclosing a Stipulation to Resolve Objection for the above-referenced water right. Please review the document, and if it is acceptable, please sign on the indicated signature line and initial the revised recommendation. After signature, please circulate the Stipulation to the other parties for signature and return the original document to me. I will obtain the signatures for IDWR and file the Stipulation 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, reading "Ray Williams", is positioned above the printed name and title.

Ray Williams  
Paralegal

Enclosure

**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. 27-11317          |
|                | ) |                               |
| Case No. 39576 | ) |                               |
|                | ) | <b>STIPULATION TO RESOLVE</b> |
|                | ) | <b>OBJECTIONS</b>             |
| _____          | ) |                               |

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, and the BLM's objection to the place of use element, to 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:**

Alma A. Hubbard

|                                                    |               |
|----------------------------------------------------|---------------|
| _____<br>Randall C. Budge<br>Attorney for Claimant | _____<br>Date |
|----------------------------------------------------|---------------|

**OBJECTORS:**

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

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

\_\_\_\_\_  
David L. Negri, USDOJ      Date  
Attorney for BLM

**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: 27-11317

NAME AND ADDRESS:

ALMA A HUBBARD  
PO BOX 341  
GRACE ID 83241

SOURCE:

Source:

CHUBB SPRINGS

Tributary:

MEADOW CREEK

Source:

JARVIS SPRING

Tributary:

SINKS

Source:

WILLOW SPRING

Tributary:

SINKS

QUANTITY:

4.420 CFS

~~4.580 CFS~~

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

The rights listed below are limited to a total combined annual diversion volume of 5.1 AF for stockwater. Combined Right Nos.: 27-11317, 27-11318, and 27-12171.

PRIORITY DATE:

04/01/1929

~~04/01/1934~~

POINT OF DIVERSION:

T05S R42E S10 SWSENE  
Within CARIBOU County

T05S R42E S10 NENESE  
Within CARIBOU County

T05S R42E S11 SESWNW  
Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

4.420 CFS

~~04/01 10/30~~

STOCKWATER

04/15 12/01

0.020 CFS 5.10 AFY

~~01/01 12/31~~

~~0.120 CFS~~

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

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

PLACE OF USE: IRRIGATION within CARIBOU County

|                                    |                                    |
|------------------------------------|------------------------------------|
| <del>T05S R42E S10 NESE 31.0</del> | <del>T05S R42E S10 SESE 17.5</del> |
| <del>T05S R42E S10 SESE 18.0</del> | <del>T05S R42E S10 SWSW 31.2</del> |
| <del>T05S R42E S11 NWSW 32.0</del> | <del>T05S R42E S11 NWSW 31.5</del> |
| <del>T05S R42E S11 SWSW 39.0</del> | <del>T05S R42E S11 SWSW 38.8</del> |
| <del>T05S R42E S11 SESW 16.0</del> | <del>T05S R42E S11 SESW 17.1</del> |
| <del>T05S R42E S14 NWNE 2.0</del>  |                                    |
| <del>T05S R42E S14 SWNE 0.3</del>  |                                    |
| <del>T05S R42E S14 NENW 33.0</del> |                                    |
| <del>T05S R42E S14 NWNW 35.0</del> |                                    |
| <del>T05S R42E S14 SWNW 2.5</del>  |                                    |
| <del>T05S R42E S14 SENW 1.0</del>  |                                    |
| <del>T05S R42E S15 NENE 11.0</del> | <del>T05S R42E S15 NENE 10.6</del> |

STOCKWATER within CARIBOU County

~~T05S R42E S10 NESE~~  
~~T05S R42E S10 SESE~~  
~~T05S R42E S11 NWSW~~  
~~T05S R42E S11 SWSW~~  
~~T05S R42E S14 NENW~~  
~~T05S R42E S14 NWNW~~  
~~T05S R42E S14 SWNW~~  
~~T05S R42E S14 SENW~~  
~~T05S R42E S14 NESW~~  
~~T05S R42E S14 NWSW~~  
~~T05S R42E S14 SWSW~~  
~~T05S R42E S14 SESW~~  
~~T05S R42E S23 NWNW~~

DOMESTIC within CARIBOU County

~~T05S R42E S11 SWSW~~

220.8 ACRES TOTAL

~~221 ACRES TOTAL~~

Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 220.8 acres in a single irrigation season.

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 for domestic use is not a determination of historical beneficial use.

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Stockwater use is for 350 cow/calf pairs and 14 bulls.

## 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

ALMA A. HUBBARD

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

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Signature of person or attorney mailing the form