



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

April 24, 2009

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

*RE: SRBA Subcase Nos. 27-2049, 27-11009, 27-11010, 27-11729, 27-11897, 27-11996, 27-12117, 27-12120, 27-12123, 27-12124, 27-12127, 27-12129, 27-12130, 27-12131, 27-12132, 27-12133, 27-12134 & 27-12135*

Dear Jeanette:

I am enclosing SF5s and Stipulations to Resolve Objections for the above-referenced water right. Please review the documents, and if 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 for IDWR and file the SF5s and Stipulations with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

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. 27-12128                 |
|                | ) |                                      |
| Case No. 39576 | ) |                                      |
|                | ) | <b>STANDARD FORM 5</b>               |
|                | ) | <b><u>AMENDED CLAIM</u></b>          |
|                | ) | <b>FOR DOMESTIC &amp; STOCKWATER</b> |
| _____          | ) | <b>RIGHTS</b>                        |

This form is used to report the stipulated elements of one “domestic and/or stockwater” right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT:**  
Chesterfield Land & Livestock Assn.

**OBJECTOR:**  
Shoshone-Bannock Tribes

\_\_\_\_\_  
Randall C. Budge                      Date  
Attorney for Claimant

\_\_\_\_\_  
Jeanette Wolfley                      Date  
Attorney for Objector

**IDWR Concurrence:**

\_\_\_\_\_  
Denise Kidman                      Date  
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: 27-12128

NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC  
1976 TELFORD RD  
GRACE ID 83241

SOURCE: UNNAMED STREAM

TRIBUTARY: TWENTYFOUR MILE CREEK

QUANTITY: 0.020 CFS  
7.30 AFY

The rights listed below are limited to a total combined annual diversion volume of 7.90 af. Combined Right Nos.: 27-12119 and 27-12128.

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

PRIORITY DATE: 05/05/1925

POINT OF  
DIVERSION:

T05S R39E S32 SWSWSW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>              |
|-----------------------|----------------------|------------------------------|
| STOCKWATER            | <u>05/01 10/31</u>   | 0.020 CFS<br><u>7.30 AFY</u> |
|                       | <u>05/05 11/15</u>   | <u>1.19 AFY</u>              |

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R39E S32 SWSW

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 is not a determination of historical use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 700 cow/calf pairs.

~~Stockwater use is for 100 head.~~

## 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

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

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

\_\_\_\_\_  
Signature of person or attorney mailing the form