



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,

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. 27-2049

Case No. 39576

**STIPULATION TO RESOLVE
OBJECTION**

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 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 objection to the Director's Report filed by the Shoshone-Bannock Tribe concerning an annual irrigation diversion volume is still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached pages.

CLAIMANT:

OBJECTOR:

Dennis Frandsen

Date

Jeanette Wolfley

Date

Attorney for Shoshone-Bannock Tribes

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: 27-2049

NAME AND ADDRESS:

DENNIS FRANDSEN
900 ROCKY FORD RD
BANCROFT ID 83217

SOURCE:

Source:
HORSE CREEK

Tributary:

RAWLINS CREEK
~~BLACKFOOT RIVER~~

Source:
RAWLINS CREEK

Tributary:

BRUSH CREEK
~~BLACKFOOT RIVER~~

QUANTITY: 2.400 CFS

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

Diversion rate is limited to 1.2 cfs from Rawlins Creek and 1.2 cfs from Horse Creek.

~~License is limited to 1.2 cfs from Rawlins Creek, and 1.2 cfs from Horse Creek, and shall not exceed a total combined diversion rate of 2.4 cfs.~~

PRIORITY DATE: 06/18/1915

POINT OF DIVERSION:

T03S R39E S26 NWNW
Within BINGHAM County

T03S R39E S26 NWNW
Within BINGHAM County

T03S R39E S27 NWNENE
Within BINGHAM County

T03S R39E S27 SWNE
Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.400 CFS

~~04/01 10/31~~

STOCKWATER

05/01 09/30

0.020 CFS 1.20 AFY

~~04/01 10/31~~

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

PLACE OF USE: IRRIGATION within BINGHAM County

T03S R39E S27 NENE 20.0

~~T03S R39E S27 NENE 21.0~~

T03S R39E S27 NWNE 11.0

~~T03S R39E S27 NWNE 12.0~~

T03S R39E S27 SWNE 13.0

~~T03S R39E S27 SWNE 14.0~~

T03S R39E S27 SENW 6.9

~~T03S R39E S27 SENW 7.0~~

T03S R39E S27 NESW 21.0

~~T03S R39E S27 NESW 20.0~~

STOCKWATER Same As IRRIGATION

71.9 ACRES TOTAL

~~74 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.

~~The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

Stockwater use is for 216 head cattle.

~~Stockwater use is for 200 head cattle.~~

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

DENNIS FRANSEN
900 ROCKY FORD RD.
BANCROFT, ID 83217

Signature of person or attorney mailing the form