



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

April 28, 2009

Jerry R. Rigby
25 N. 2nd. E
P.O. Box 250
Rexburg, ID 83440-0250

RE: SRBA Subcase Nos. 27-4058 (Thompson) & 27-4068 (Rasmussen)

Dear Jerry:

I am enclosing a *Stipulation to Resolve Objection* for each of the above-referenced subcases. Please review the documents, and they are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the original Stipulations to me. I will obtain the remaining signatures and file the documents with the SRBA Court.

If you should have any questions or comments, please don't hesitate 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

Case No. 39576

Subcase No. 27-4058

**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 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 claimant's objection to the Director's Report. **The claimant and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation diversion volume and season of use are still outstanding.** The claimant and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANTS:

Sidney G. Thompson 3/19/09
Sidney G. Thompson Date

Cheryl H. Thompson 3-19-09
Cheryl H. Thompson Date

OBJECTORS:

 4/14/09

Peter C. Monson, USDOJ Date
Attorney for BIA

 4/9/09

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

 4/28/2009

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

 4/28/09

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-4058

NAME AND ADDRESS:

CHERYL H THOMPSON
3411 LONG VALLEY RD
SODA SPRINGS ID 83276

SIDNEY G THOMPSON
3411 LONG VALLEY RD
SODA SPRINGS ID 83276

SOURCE:

Source:

UNNAMED STREAM
SPRING

Tributary:

LITTLE BLACKFOOT RIVER
-LONE PINE CREEK

QUANTITY:

1.680 CFS

1.700 CFS

Right Nos. 27-94 and 27-4058 are limited to a total combined annual diversion volume of 2.1 AF for stockwater.

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

PRIORITY DATE:

04/15/1888

02/27/1888

POINT OF DIVERSION:

T06S R43E S18 NENENE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.680 CFS

04/01-10/31

1.700 CFS

STOCKWATER

03/25 11/30

0.020 CFS 2.10 AFY

01/01-12/31

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

PLACE OF USE: IRRIGATION within CARIBOU County

T06S R43E S08 SWSW 14.0

T06S R43E S17 NWNW 25.0

T06S R43E S18 NENE 28.0

T06S R43E S18 SENE 17.0

STOCKWATER within CARIBOU County

T06S R43E S17 NENE

T06S R43E S18 NWNW

84 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 259 acres in a single irrigation season. Combined Right Nos.: 27-94, 27-11930, and 27-4058.

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 - Beneficial Use

Stockwater use is for 300 range cattle.

~~Stockwater use is for 500 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:

COMMITTEE OF NINE

Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

COMMITTEE OF NINE

Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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

CHERYL H. THOMPSON
SIDNEY .G THOMPSON
3411 LONG VALLEY RD.
SODA SPRINGS, ID 83276

Signature of person or attorney mailing the form

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. 27-4068

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 claimant and IDWR agree and stipulate that the elements of this water right should no longer contain a stockwater component. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation diversion volume and the period of year are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

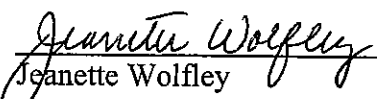
CLAIMANT/RESPONDENT:

Lynn Rasmussen

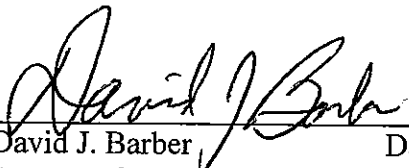
Date

OBJECTORS:

 4/14/09
Peter C. Monson, USDOJ Date
Attorney for BIA

 4/9/09
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

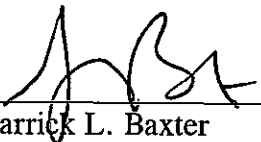
RESPONDENTS:

 4/28/2009
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

 4/28/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-4068

NAME AND ADDRESS: LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

SOURCE: CABIN CREEK

TRIBUTARY: SINKS

QUANTITY: 0.590 CFS

PRIORITY DATE: 04/01/1941

POINT OF
DIVERSION:

T07S R45E S31 SENENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:

PERIOD OF USE:

QUANTITY:

IRRIGATION

04/01 04/15 10/31

0.590 CFS

STOCKWATER

01/01 12/31

0.090 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T07S R45E S30 Lot 4 SWSW

10.00

T07S R45E S31

NENW

5.20

T07S R45E S31 Lot 1 NWNW

14.00

29.2 ACRES TOTAL

Right Nos. 27-4068 and 27-12081 are limited to the irrigation of a combined total of 29.2 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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POCATELLO, ID 83202

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NATURAL RESOURCES DIV. CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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REXBURG, ID 83440-0250

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LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE, ID 83241-5352

Signature of person or attorney mailing the form