



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

April 28, 2009

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

RE: SRBA Subcase Nos. 27-12196 & 27-12197 (P4 Production)

Dear Jeanette:

I am enclosing an SF5 for each of the above-referenced water rights. 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 SF5s to the other parties for signature and return the original documents to me. I will obtain the signatures for IDWR and file the SF5s 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 black ink, appearing to read "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. 27-12196
	)	Split from 27-12039
Case No. 39576	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

P4 Production, LLC
Monsanto Company

OBJECTOR:

Shoshone-Bannock Tribes

Randall C. Budge	Date
Attorney for Claimant	

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: 27-12196

NAME AND ADDRESS:

P4 PRODUCTION LLC
MONSANTO CO. C/O MINE
SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.010 CFS

~~0.020 CFS~~

3.000 AFY

Right Nos. 27-12196 and 27-12197 are limited to a total combined annual diversion volume of 5.1 AF.

The total combined quantity of water diverted under right nos. 27-12196 and 27-12197 shall not exceed 13,000 gallons per day.

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

PRIORITY DATE:

04/01/1939

POINT OF DIVERSION:

~~T07S R42E S14 SWSENE Begin of Stream Flow
Within CARIBOU County~~

~~T07S R43E S29 SESWSW End of Stream Flow
Within CARIBOU County~~

T07S R43E S30 NENWSE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

06/01 10/31

0.010 CFS 3.00 AFY

~~06/01 11/30~~

~~0.020 CFS~~

PLACE OF USE:

STOCKWATER within CARIBOU County

~~T07S R42E S14 SWSE~~

~~T07S R43E S29 SESW~~

T07S R43E S30 SWNE

T07S R43E S30 NWSE

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

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 900 range cattle.

This right is a split from former right 27-12039.

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

P4 PRODUCTION, LLC
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

**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. 27-12197
	)	<i>Split from 27-12039</i>
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	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

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Monsanto Company

OBJECTOR:

Shoshone-Bannock Tribes

Randall C. Budge Date
Attorney for Claimant

Jeanette Wolfley Date
Attorney for Objector

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

RIGHT NUMBER: 27-12197

NAME AND ADDRESS:

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MONSANTO CO. C/O MINE
SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE:

Source:

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Tributary:

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Right Nos. 27-12196 and 27-12197 are limited to a total combined annual diversion volume of 5.1 AF.

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PRIORITY DATE:

04/01/1939

POINT OF DIVERSION:

~~T07S R42E S14 SWSSE Begin of Stream Flow
Within CARIBOU County~~

T07S R43E S29 NWNWSW
Within CARIBOU County

~~T07S R43E S29 SESWSW End of Stream Flow
Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

06/01 10/31

0.010 CFS 3.00 AFY

~~06/01 11/30~~

~~0.020 CFS~~

PLACE OF USE:

STOCKWATER within CARIBOU County

~~T07S R42E S14 SWSE~~

T07S R43E S29 NWSW

~~T07S R43E S29 SESW~~

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

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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

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