

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 MAY 14 AM 10 23
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MAY 15 2009
DEPARTMENT OF
WATER RESOURCES

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. 27-12010
	)	
Case No. 39576	)	AMENDED
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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

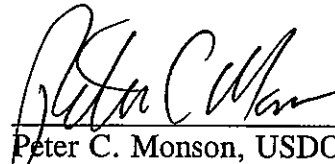
CLAIMANT/RESPONDENT:

Hunsaker Ranching, Inc.

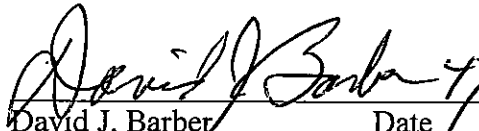
By: Keith Hunsaker 3-2-09
Date
Title: President

OBJECTORS:

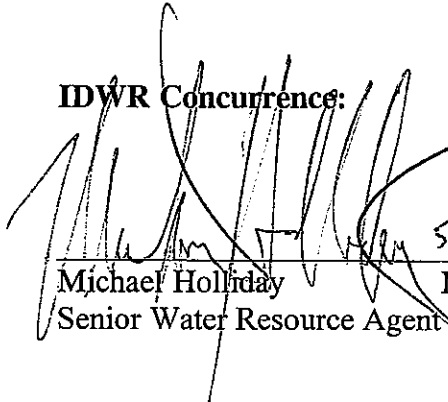

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes


Peter C. Monson, USDOJ Date
Attorney for BIA

RESPONDENT:


David J. Barber Date
Attorney for State of Idaho

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: 27-12010

NAME AND ADDRESS:

HUNSAKER RANCHING INC
3804 BLACKFOOT RIVER RD
PO BOX 324
SODA SPRINGS ID 83276

SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.020 CFS

2.100 AFY

~~2.380 AFY~~

Right Nos. 27-45 and 27-12010 are limited to a total combined annual diversion volume of 2.1 AF for stockwater.

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

PRIORITY DATE: 08/01/1891

POINT OF DIVERSION:

T07S R43E S25 NENENE Begin of Stream Flow
Within CARIBOU County

T07S R43E S25 NWNWSW End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/01

0.020 CFS 2.10 AFY

~~0.020 CFS 2.38 AFY~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T07S R43E S25 NENE

T07S R43E S25 NWNE

T07S R43E S25 SWNE

T07S R43E S25 SWNW

T07S R43E S25 SENW

T07S R43E S25 NWSW

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.

~~RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.~~

~~No beneficial use found on irrigation under 27-4156.~~

~~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 300 cow/calf pairs.

~~Stockwater use is for 350 range cows.~~

~~This right is a split from former right 27-4156.~~

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

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

CERTIFICATE OF MAILING

I certify that on 5/13, 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:

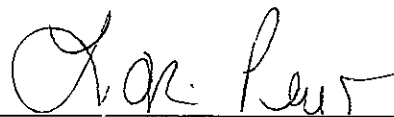
SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

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

HUNSAKER RANCHING, INC.
3804 BLACKFOOT RIVER RD
PO BOX 324
SODA SPRINGS, ID 83276



Signature of person or attorney mailing form