



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

May 15, 2009

Idaho Department of Water Resources
Attn: Michael Holliday
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: 27-12000, 27-12002, 27-12004, 27-12005 & 27-12009

Dear Michael:

I am enclosing SF5s and Stipulations concerning the above-referenced water rights for your review and signature. Please sign, initial and send the original documents back to me. I'll obtain the remaining signature and file them with the SRBA Court.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams", is written over a horizontal line.

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. 27-12000
	)	
Case No. 39576	)	
	)	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.

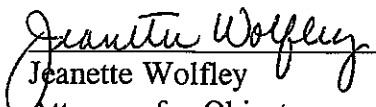
CLAIMANT:

Preston R. Allen & Sons Partnership

OBJECTOR:

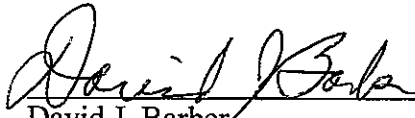
Shoshone-Bannock Tribes

 4-20-09
By: _____ Date
Title: Partner

 4/16/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 5/13/2009
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: 27-12000

NAME AND ADDRESS:

PRESTON R ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.040 CFS

9.170 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.17 af for stockwater. Combined Right Nos.: 27-11016, 27-12000, and 27-12004.

PRIORITY DATE:

08/02/1891

POINT OF DIVERSION:

T07S R43E S26 SWNESE
Within CARIBOU County

T07S R43E S26 SWNESE
Within CARIBOU County

2/B

~~T07S R43E S26 SWNESE~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.040 CFS 9.17 AFY

~~07/02 04/14~~

ka

gm

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

PLACE OF USE: STOCKWATER within CARIBOU County
T07S R43E S26 SWSW
T07S R43E S26 SESW
T07S R43E S26 NESE
T07S R43E S26 SWSE
T07S R43E S26 SESE
T07S R43E S35 NWNE
T07S R43E S35 SWNE
T07S R43E S35 NENW
T07S R43E S35 SENW
T07S R43E S35 NESW
T07S R43E S35 SESW
T07S R43E S35 NWSE

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

This right is a split from former right 27-11018.

Stockwater use is for 500 single range cows Nov 16th to April 30th (3.06 AF) and 500 pairs from May 1st to Nov 15th (6.11AF).

Kd

gm
2/PB

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

PRESTON R. ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW 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. 27-12002

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

CLAIMANT/OBJECTOR/RESPONDENT:

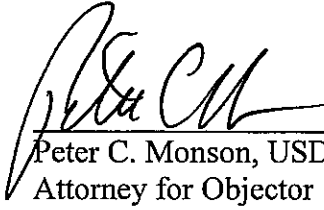
Hunsaker Ranching, Inc.

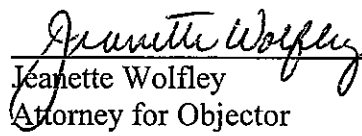
Hunsaker Ranching, Inc.
By: *Keith Hunsaker* Date *4-13-09*
Title: *President & General manager*

OBJECTORS:

Bureau of Indian Affairs

Shoshone-Bannock Tribes

 5/5/09
Peter C. Monson, USDOJ Date
Attorney for Objector

 4/9/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 5/13/2009
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: 27-12002

NAME AND ADDRESS:

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

SOURCE: Source:
SLUG CREEK

Tributary:
BLACKFOOT RIVER

QUANTITY: 1.430 CFS

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

PRIORITY DATE: 10/16/1886
05/01/1952

Jim R.H. PCAM

POINT OF DIVERSION:

T08S R43E S24 SWNE Within CARIBOU County
T08S R43E S24 NESENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	04/15 10/31	1.430 CFS
STOCKWATER	04/15 10/31 ~~01/01-12/31~~	0.020 CFS <u>3.80 AFY</u>

PLACE OF USE: IRRIGATION within CARIBOU County
T08S R43E S24 NENW 33.0
T08S R43E S24 NWNW 22.0
T08S R43E S24 SENW 16.0

STOCKWATER Same As IRRIGATION
71 ACRES TOTAL

Jim R.H. PCAM

W/B

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 - Posted Notice Beneficial Use

Stockwater use is for 360 cow/calf pairs.

This right is a split from former right 27-4157.

Jim R.H. PCAM

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

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

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

HUNSAKER RANCHING, INC.
3804 BLACKFOOT RIVER RD.
P.O. BOX 324
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. 27-12004
	)	
Case No. 39576	)	
	)	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:

Preston R. Allen & Sons Partnership

OBJECTOR:

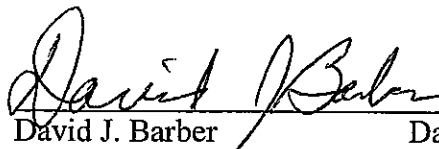
Shoshone-Bannock Tribes

Kent P. Allen 4-20-09
By: _____ Date
Title: Partner

Jeanette Wolfley 4/16/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 5/13/2009

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: 27-12004

NAME AND ADDRESS:

PRESTON R ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE:

Source:

BLACKFOOT RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.020 CFS

9.170 AFY

The rights listed below are limited to a total combined annual diversion volume of 9.17 af for stockwater. Combined Right Nos.: 27-11016, 27-12000, and 27-12004.

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

PRIORITY DATE:

04/01/1885

POINT OF DIVERSION:

T07S R43E S26 NENESE Begin of Stream Flow
Within CARIBOU County

~~T07S R43E S26 SENESE Begin of Stream Flow~~
~~Within CARIBOU County~~

T07S R43E S34 NWNESE End of Stream Flow
Within CARIBOU County

~~T07S R43E S34 SWNESE End of Stream Flow~~
~~Within CARIBOU County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.020 CFS

9.17 AFY

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

PLACE OF USE: STOCKWATER within CARIBOU County

T07S R43E S26 NESE

T07S R43E S26 SWSE

T07S R43E S26 SESE

T07S R43E S34 SENE

T07S R43E S34 NESW

T07S R43E S34 NESE

T07S R43E S34 NWSE

~~T07S R43E S34 SWSE~~

T07S R43E S35 NWNE

T07S R43E S35 NENW

T07S R43E S35 SWNW

T07S R43E S35 SENW

T07S R43E S35 NWSW

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 500 single range cows Nov 16th to April 30th (3.06 AF) and 500 pairs from May 1st to Nov 15th (6.11AF).

Ka

ju

29B

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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

PRESTON R. ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW 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. 27-12005
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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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:

Preston R. Allen & Sons Partnership

OBJECTOR:

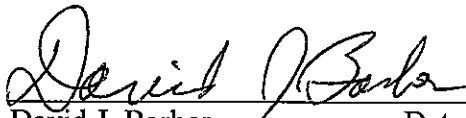
Shoshone-Bannock Tribes

Kurt Allen 4-20-09
By: _____ Date
Title: Partner

Jeanette Wolfley 4/16/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 5/13/2009
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: 27-12005

NAME AND ADDRESS:

PRESTON R ALLEN & SONS
PARTNERSHIP
1744 CEDAR VIEW RD
SODA SPRINGS ID 83276

SOURCE:

Source:
SLUG CREEK

Tributary:

BLACKFOOT RIVER

QUANTITY:

0.020 CFS

9.170 AFY

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

Right Nos. 27-12003 and 27-12005 are limited to a total combined annual diversion volume of 9.17 AF for stockwater.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION:

T07S R43E S34 NWSWSE End of Stream Flow
Within CARIBOU County

T07S R43E S34 SESWSE Begin of Stream Flow
Within CARIBOU County

T08S R43E S2 NWSWNW End of Stream Flow
Within CARIBOU County

T08S R43E S13 SESWSW Begin of Stream Flow
Within CARIBOU County

2/B

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.020 CFS

9.17 AFY

Ka

ju

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

PLACE OF USE: STOCKWATER within CARIBOU County

T07S R43E S34 SWSE
T08S R43E S02 SNNW
T08S R43E S02 SENW
T08S R43E S02 NESW
T08S R43E S02 SESW
T08S R43E S02 SWSE
T08S R43E S11 NNNE
T08S R43E S11 SWNE
T08S R43E S11 NENW
T08S R43E S11 SENW
T08S R43E S11 NESW
T08S R43E S11 NESE
T08S R43E S11 NWSE
T08S R43E S11 SWSE
T08S R43E S11 SESE
T08S R43E S13 SNNW
T08S R43E S13 NWSW
T08S R43E S13 SWSW
T08S R43E S14 NNNE
T08S R43E S14 SWNE
T08S R43E S14 SENE
T08S R43E S14 NESE

28B

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 500 single range cows Nov 16th to April 30th (3.06 AF) and 500 pairs from May 1st to Nov 15th (6.11AF).

Ka

gm

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SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
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PARTNERSHIP
1744 CEDAR VIEW 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

Case No. 39576

Subcase No. 27-12009

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

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The parties and IDWR agree and stipulate that this water right should be disallowed. The parties and IDWR have further indicated their concurrence by initialing the attached page.

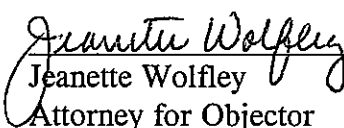
CLAIMANT:

Preston R. Allen & Sons Partnership

OBJECTOR:

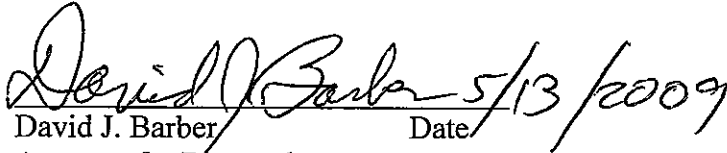
Shoshone-Bannock Tribes

 4/20/09
By: _____ Date
Title: Partner

 4/16/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho


David J. Barber Date 5/13/2009
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
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
27-12009	PRESTON R ALLEN & SONS PARTNERSHIP 1744 CEDAR VIEW RD SODA SPRINGS ID 83276	Disallowed	Recommended as Right No. 27-12004.

KA

jm

D JB

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