



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

June 8, 2009

David J. Barber
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

RE: Subcase Nos. 27-11366 & 27-12092 (Panter)

Dear David:

I am enclosing an *Amended Standard Form 5* ("Amended SF5") for each of the above-referenced subcases. Please review the Amended SF5s, and if they are acceptable to you, please sign on the indicated signature lines, initial the revised recommendations and return the original Amended SF5s to me. I will then submit them 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 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. 27-11366
	)	
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:

Randy Panter

OBJECTOR:

Shoshone-Bannock Tribes

Randall C. Budge 5-19-09
Randall C. Budge Date
Attorney for Claimant

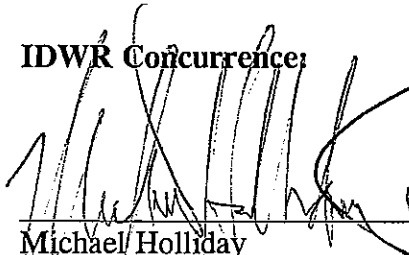
Jeanette Wolfley 5/11/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

David J. Barber Date
Attorney for Respondent

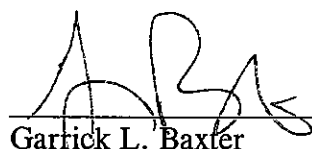
IDWR Concurrence:



Michael Holliday
Senior Water Resource Agent

6/3/2009

Date



Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

5/29/09

Date

06/17/2008

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

RIGHT NUMBER: 27-11366

NAME AND ADDRESS: RANDY PANTER
14885 N HWY 34
THATCHER ID 83283

SOURCE: JOHNSON CREEK

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.020 CFS
2.36 AFY

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-11366, 27-12050 and 27-12092.

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

PRIORITY DATE: 01/30/1909

POINT OF
DIVERSION:

~~T08S R43E S5 NWSESE End of Stream Flow Within CARIBOU County~~
T08S R43E S5 NESESE End of Stream Flow Within CARIBOU County
T08S R43E S8 SWNNW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04/01 11/01	0.020 CFS <u>2.36 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T08S R43E S05 SESW

T08S R43E S05 SWSE

T08S R43E S05 SESE

T08S R43E S08 NENW

T08S R43E S08 NWNW

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 300 range 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

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

RANDY PANTER
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. 27-12092
	)	
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:
Randy Panter

OBJECTOR:
Shoshone-Bannock Tribes

Randall C. Budge 5-19-09
Randall C. Budge Date
Attorney for Claimant

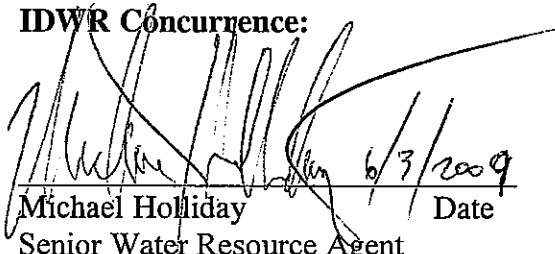
Jeanette Wolfley 5/11/09
Jeanette Wolfley Date
Attorney for Objector

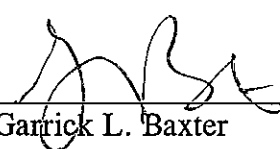
RESPONDENT:

State of Idaho

David J. Barber Date
Attorney for Respondent

IDWR Concurrence:

_____
Michael Holliday 6/3/2009 Date
Senior Water Resource Agent

_____
Garrick L. Baxter 5/29/09 Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12092

NAME AND ADDRESS: RANDY PANTER
14885 N HWY 34
THATCHER ID 83283

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
1.69 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 2.36 af. Combined Right Nos.: 27-11366, 27-12050 and 27-12092.

PRIORITY DATE: ~~09/18/1913~~ 09/8/1913

POINT OF
DIVERSION:

T08S R43E S9 NENWSW End of Stream Flow Within CARIBOU County
T08S R43E S16 SWNWSW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	06/01 11/01	0.020 CFS <u>1.69 AFY</u>

PLACE OF USE: STOCKWATER in CARIBOU County

T08S R43E S09	NESW	T08S R43E S09	NWSW
T08S R43E S09	SWSW	T08S R43E S09	SESW
T08S R43E S16	NWNW	T08S R43E S16	SWNW
T08S R43E S16	NWSW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

Stockwater use is for 300 cattle.

~~Stockwater use is for 150 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:

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P.O. BOX 83720
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Represented by:
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201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

Signature of person or attorney mailing the form