

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 JUN 12 AM 11 15

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JUN 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. 27-12002
	)	
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:

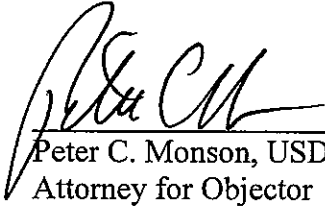
Hunsaker Ranching, Inc.

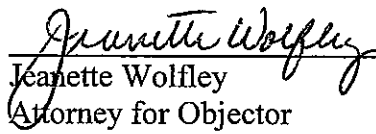
Hunsaker Ranching, Inc.
By: Keith Hunsaker Date 4-13-09
Title: President & General manager

OBJECTORS:

Bureau of Indian Affairs

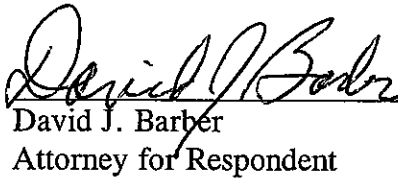
Shoshone-Bannock Tribes

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

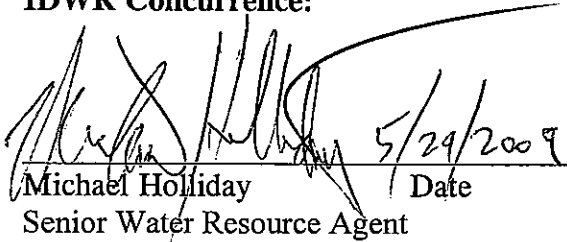
 4/9/09
Jeanette Wolfley Date
Attorney for Objector

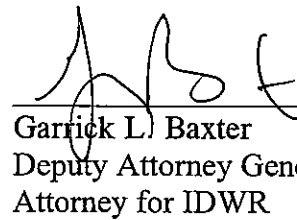
RESPONDENT:

State of Idaho

 5/13/2009
David J. Barber Date
Attorney for Respondent

IDWR Concurrence:

 5/29/2009
Michael Holliday Date
Senior Water Resource Agent

 6/10/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12002

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. PCM

POINT OF DIVERSION:

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

[Handwritten signature]

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>

Jim R.H. PCM

2/13

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

[Handwritten signature]

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. PCM

CERTIFICATE OF MAILING

I certify that on 6/11, 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:

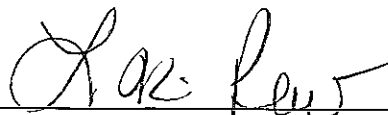
SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

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