

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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2009 JUN 12 AM 11 15 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. 27-12005
	)	
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:

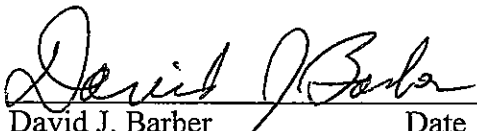
Shoshone-Bannock Tribes

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

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

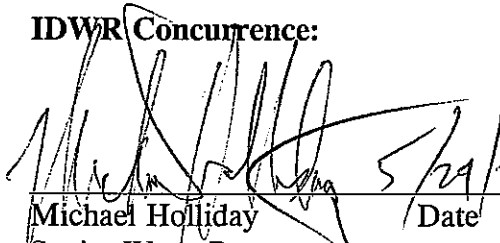
RESPONDENT:

State of Idaho



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

IDWR Concurrence:



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



Garrick L. Baxter Date 6/10/09
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 NWSWE End of Stream Flow
Within CARIBOU County

T07S R43E S34 SESWE Begin of Stream Flow
Within CARIBOU County

T08S R43E S2 NWSNW End of Stream Flow
Within CARIBOU County

T08S R43E S13 SESWSW Begin 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 S34 SWSE
T08S R43E S02 SWNW
T08S R43E S02 SENW
T08S R43E S02 NESW
T08S R43E S02 SESW
T08S R43E S02 SWSE
T08S R43E S11 NWNE
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 SWNW
T08S R43E S13 NWSW
T08S R43E S13 SWSW
T08S R43E S14 NWNE
T08S R43E S14 SWNE
T08S R43E S14 SENE
T08S R43E S14 NESE

28B JB
MWH

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

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

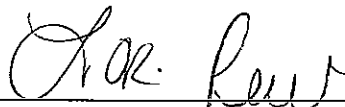
2. Copies to:

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

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