

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2009

By _____ Clerk

Deputy Clerk

**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. 27-12095
	)	
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:
Torgesen Ranch, Inc.

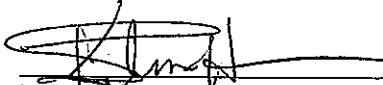
OBJECTOR:
Shoshone-Bannock Tribes

Robert L. Harris 7/10/2009
Robert L. Harris Date
Attorney for Claimant

Jeanette Wolfley 6/18/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

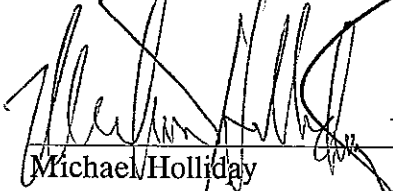
 7/21/09

Date

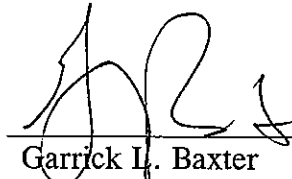
Attorney for Respondent

Shasta Kilminster-Hadley

IDWR Concurrence:

 7/13/09

Date
Michael Holliday
Senior Water Resource Agent

 7/21/09

Date
Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12095

NAME AND ADDRESS:

TORGESEN RANCH INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE:

Source:

UNNAMED STREAMS
SPRINGS

Tributary:

BLACKFOOT RIVER
SINKS

QUANTITY:

0.020 CFS
2.110 AFY

Right Nos. 27-12094, 27-12095, and 27-11344 are limited to a total combined annual diversion volume of 2.11 AF.

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

PRIORITY DATE:

05/01/1946

POINT OF DIVERSION:

T07S R42E S36 NWNWNE End of Stream Flow
Within CARIBOU County

T07S R42E S36 NWNWNE End of Stream Flow
Within CARIBOU County

T07S R42E S36 SENWNE Begin of Stream Flow
Within CARIBOU County

T07S R42E S36 NENW End of Stream Flow
Within CARIBOU County

T07S R42E S36 NWNENW Begin of Stream Flow
Within CARIBOU County

T07S R42E S36 SWNENW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 10/01

0.020 CFS 2.11 AFY

04/01 11/01

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

PLACE OF USE: STOCKWATER within CARIBOU County
T07S R42E S36 NWNE
T07S R42E S36 NENW

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 250 cow-calf pairs.

MWA

ju
tent

SKA

23

CERTIFICATE OF MAILING

I certify that on 7/22, 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:

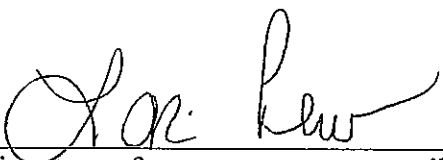
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

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

TORGESSEN RANCH, INC.
Represented by:
KENT W FOSTER
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

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

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing form