

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

July 27, 2009

Shasta Kilminster-Hadley  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

*Sent via Statehouse Mail*

*RE: SRBA Subcase No. 27-4102 (Eastern Idaho Grazing)*

Dear Shasta:

I am enclosing a *Standard Form 5* ("SF5") for the above-referenced subcase. Please review the document, and if it is acceptable to you, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signature and file it 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

Enclosure

**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. 27-4102      |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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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.

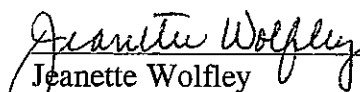
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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:**  
Eastern Idaho Grazing Association

**OBJECTOR:**  
Shoshone-Bannock Tribes

  
By: Wendy Pratt      Date: 7/21/09  
Title: Secretary

 4/16/09  
Jeanette Wolfley      Date  
Attorney for Objector

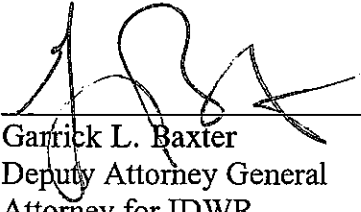
**RESPONDENT:**

State of Idaho

\_\_\_\_\_  
David J. Barber                      Date  
Attorney for Respondent

**IDWR Concurrence:**

\_\_\_\_\_  
Michael Holliday                      Date  
Senior Water Resource Agent

 7/27/09  
\_\_\_\_\_  
Garrick L. Baxter                      Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 27-4102

NAME AND ADDRESS: EASTERN IDAHO GRAZING ASSN  
C/O WENDY PRATT  
PO BOX 308  
BLACKFOOT ID 83221-0308

|         |                      |                               |
|---------|----------------------|-------------------------------|
| SOURCE: | BRUSH CREEK          | TRIBUTARY: BLACKFOOT RIVER    |
|         | <u>GARDEN CREEK</u>  | <u>TRIBUTARY: BRUSH CREEK</u> |
|         | <u>RAWLINS CREEK</u> | <u>TRIBUTARY: BRUSH CREEK</u> |

QUANTITY: 0.020 CFS ~~0.070 CFS~~  
7.30 AFY ~~24.40 AFY~~

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

PRIORITY DATE: 05/24/1947

POINT OF  
DIVERSION:

T03S R39E S33 NWSESE End of Stream Flow Within BINGHAM County  
T03S R39E S34 NWNWSW Begin of Stream Flow Within BINGHAM County  
T03S R39E S34 NESESW End of Stream Flow Within BINGHAM County  
T03S R39E S34 NESESW Begin of Stream Flow Within BINGHAM County  
T03S R39E S34 SWSESE Begin of Stream Flow Within BINGHAM County  
T04S R39E S12 SWNE Within BINGHAM County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE: | PERIOD OF USE:         | QUANTITY:                      |
|-----------------|------------------------|--------------------------------|
| STOCKWATER      | <u>05/10 11/10</u>     | <u>0.020 CFS 7.30 AFY</u>      |
|                 | <del>05/10 11/01</del> | <del>0.070 CFS 24.40 AFY</del> |

~~Stockwater use is for 2250 range cattle and 8000 sheep.~~

PLACE OF USE: STOCKWATER in BINGHAM County

|                           |        |                           |      |
|---------------------------|--------|---------------------------|------|
| T03S R39E S33             | SESE   | T03S R39E S34             | NWSW |
| T04S <u>T03S</u> R39E S34 | SWSW   | T03S R39E S34             | SESW |
| T04S <u>T03S</u> R39E S34 | SWSE   | T04S <u>T03S</u> R39E S34 | SESE |
| T04S R39E S12             | SWNE ✓ |                           |      |

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~~

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

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~~of historical beneficial use.~~

~~PLACE OF USE IS PART OF THE PARADISE VALLEY ELLOTMENT.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use      Statutory Claim  
Stockwater use is for 2250 range cattle and 8000 sheep.  
PLACE OF USE IS PART OF THE PARADISE VALLEY ALLOTMENT.

*gm*  
*gr*

## 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

EASTERN IDAHO GRAZING ASSN.  
C/O WENDY PRATT  
P.O. BOX 308  
BLACKFOOT, ID 83221-0308

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Signature of person or attorney mailing the form