



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

August 10, 2009

Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202

*RE: SRBA Subcase Nos. 27-4011, 27-12082, 27-11998, & 27-11999
(Rasmussen)*

Dear Jeanette:

I am enclosing SF5s for the above-referenced water rights. Please review the documents, and they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. After signature, please circulate the SF5s to the remaining parties for signature and ask that they return the original documents to me. I will obtain the remaining signatures from IDWR and file the documents 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 cursive script 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. 27-4011
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

This form is used to report the stipulated elements of one “domestic and/or stockwater” right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Lynn Rasmussen Date

Val Gibson Date

Glenna Rasmussen Date

Alice Gibson Date

OBJECTOR:

Shoshone-Bannock Tribes

RESPONDENT:

State of Idaho

Jeanette Wolfley Date
Attorney for Objector

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 8/10/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-4011

NAME AND ADDRESS:

ALICE GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS ID 83276

GLENNA RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS ID 83276

SOURCE:

Source:

Tributary:

UNNAMED SPRING

SINKS

~~G-B PALFREYMAN SPRING~~

AK

QUANTITY:

0.030 CFS

4.500 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 of 3.9 AF for stockwater. Combined Right Nos.: 27-4011, 27-11998, and 27-11999.

PRIORITY DATE:

09/24/1924

POINT OF DIVERSION:

~~T07S R45E S31 NWNE~~
~~Within CARIBOU County~~

T07S R45E S31 NWNWNE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/30

0.020 CFS

3.90 AFY

~~01/01-12/01~~

DOMESTIC

01/01 12/31

0.010 CFS

0.60 AFY

Domestic use is for 1 home.

~~Domestic use is for 1 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.~~

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

PLACE OF USE: STOCKWATER within CARIBOU County
T07S R45E S30 Lot 3 NWSW
DOMESTIC within CARIBOU County
T07S R45E S30 Lot 4 SWSW

072

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

Source is also known as G. B. Palfreyman Spring.

Stockwater use is for 300 cow-calf pairs.

~~PARCEL NOS. 15370, 15380 STOCKWATER, 360 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

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

VAL & ALICE GIBSON
100 N. WOODLAND DRIVE
SODA SPRINGS, ID 83276

LYNN & GLENNA RASMUSSEN
168 LAGO-LIBERTY ROAD
GRACE, ID 83241-5352

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

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. 27-12082
	)	
Case No. 39576	)	
	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

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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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Lynn Rasmussen Date

Val Gibson Date

OBJECTOR:

Shoshone-Bannock Tribes

RESPONDENT:

State of Idaho

Jeanette Wolfley Date
Attorney for Objector

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 8/10/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12082

NAME AND ADDRESS:

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS ID 83276

SOURCE:

Source:
TIMOTHY CREEK

Tributary:

DIAMOND CREEK

QUANTITY:

0.020 CFS

0.270 AFY

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

PRIORITY DATE:

05/01/1924

POINT OF DIVERSION:

T07S R44E S13 NESWSE Begin of Stream Flow
Within CARIBOU County

T07S R44E S13 NWSWSE End of Stream Flow
Within CARIBOU County

A JL

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 10/27

0.020 CFS

0.27 AFY

~~01/01 12/31~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T07S R44E S13 SWSE

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 40 range cattle.

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SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

DIRECTOR OF IDWR
P.O. BOX 83720
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VAL GIBSON
100 N. WOODLAND DRIVE
SODA SPRINGS, ID 83276

LYNN RASMUSSEN
168 LAGO-LIBERTY ROAD
GRACE, ID 83241-5352

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

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**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. 27-11998
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
_____	)	RIGHTS

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The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/RESPONDENT:

CLAIMANT:

Lynn Rasmussen

Date

Val Gibson

Date

OBJECTOR:
Shoshone-Bannock Tribes

RESPONDENT:
State of Idaho

Jeanette Wolfley Date
Attorney for Objector

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 8/10/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11998

NAME AND ADDRESS:

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS ID 83276

SOURCE: Source:
CABIN CREEK

Tributary:
SINKS

Handwritten initials

QUANTITY: 0.020 CFS
3.900 AFY

The rights listed below are limited to a total combined annual diversion volume of 3.9 AF for stockwater. Combined Right Nos.: 27-4011, 27-11998, and 27-11999.

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

PRIORITY DATE: 09/24/1924

POINT OF DIVERSION:

T07S R45E S31 SENENW Begin of Stream Flow
Within CARIBOU County

T07S R45E S31 Lot 1 NWNWNW End of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
STOCKWATER	<u>05/01 11/30</u> ~~01/01 12/31~~	0.020 CFS <u>3.90 AFY</u>

PLACE OF USE: STOCKWATER within CARIBOU County
T07S R45E S31 NENW
T07S R45E S31 Lot 1 NWNW

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

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~~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 cow-calf pairs.

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POCATELLO, ID 83202

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In Re SRBA	)	Subcase No. 27-11999
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

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CLAIMANT/RESPONDENT:

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Lynn Rasmussen Date

Val Gibson Date

OBJECTOR:

Shoshone-Bannock Tribes

RESPONDENT:

State of Idaho

Jeanette Wolfley Date
Attorney for Objector

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 9/10/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11999

NAME AND ADDRESS:

LYNN RASMUSSEN
168 LAGO-LIBERTY RD
GRACE ID 83241-5352

VAL GIBSON
100 N WOODLAND DRIVE
SODA SPRINGS ID 83276

SOURCE:

Source:
YELLOWJACKET CREEK

Tributary:
DIAMOND CREEK

AT

QUANTITY: 0.020 CFS
3.900 AFY

The rights listed below are limited to a total combined annual diversion volume of 3.9 AF for stockwater. Combined Right Nos.: 27-4011, 27-11998, and 27-11999.

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

PRIORITY DATE: 09/24/1924

POINT OF DIVERSION:

T07S R45E S31 Lot 2 SWNW End of Stream Flow
Within CARIBOU County

~~T07S R45E S31 Lot 2 SWSNW End of Stream Flow~~
~~Within CARIBOU County~~

~~T07S R45E S31 NESENW Begin of Stream Flow~~
~~Within CARIBOU County~~

T07S R45E S31 SESENW Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/30

0.020 CFS

3.90 AFY

~~01/01 12/31~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T07S R45E S31 Lot 2 SWNW

T07S R45E S31 SENW

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

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

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Handwritten initials

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 300 cow-calf pairs.

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Signature of person or attorney mailing the form

