

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____
2009 AUG 7 AM 11 26

**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. 27-12196
	)	Split from 27-12039
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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:
P4 Production, LLC
Monsanto Company

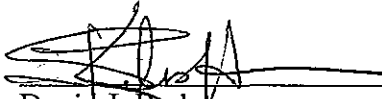
OBJECTOR:
Shoshone-Bannock Tribes

Randall C. Budge 5-19-09
Randall C. Budge Date
Attorney for Claimant

Jeanette Wolfley 5/11/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 7/21/09

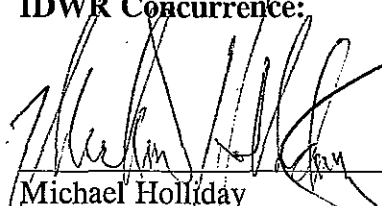
Date

David J. Barber

Attorney for Respondent

Shasta Kilminster-Hadley

IDWR Concurrence:

 7/24/09

Date

Michael Holliday

Senior Water Resource Agent

 6/1/09

Date

Garrick L. Baxter

Deputy Attorney General

Attorney for IDWR

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

RIGHT NUMBER: 27-12196

NAME AND ADDRESS:

P4 PRODUCTION LLC
MONSANTO CO. C/O MINE
SUPERINTENDENT
PO BOX 816
SODA SPRINGS ID 83276

SOURCE: Source:
BLACKFOOT RIVER

Tributary:
SNAKE RIVER

QUANTITY: 0.010 CFS
3.000 AFY

~~0.020 CFS~~

Feb

Right Nos. 27-12196 and 27-12197 are limited to a total combined annual diversion volume of 5.1 AF.

The total combined quantity of water diverted under right nos. 27-12196 and 27-12197 shall not exceed 13,000 gallons per day.

SKH

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

PRIORITY DATE: 04/01/1939

SLB

POINT OF DIVERSION:

~~T07S R42E S14 SWSENE Begin of Stream Flow~~
~~Within CARIBOU County~~

~~T07S R43E S29 SESWSW End of Stream Flow~~
~~Within CARIBOU County~~

T07S R43E S30 NENWSE
Within CARIBOU County

MWA

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

06/01 10/31

0.010 CFS 3.00 AFY

~~06/01 11/30~~

~~0.020 CFS~~

ju

PLACE OF USE: STOCKWATER within CARIBOU County

~~T07S R42E S14 SWSE~~
~~T07S R43E S29 SESW~~

T07S R43E S30 SWNE

T07S R43E S30 NWSE

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

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 900 range cattle.

This right is a split from former right 27-12039.

RIB
JB
JW
SKH
MWA

CERTIFICATE OF MAILING

I certify that on 8/6, 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

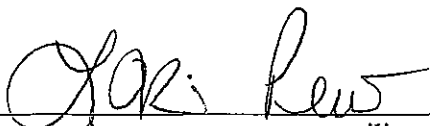
2. Copies to:

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

P4 PRODUCTION, LLC
Represented by:
RANDALL C. BUDGE
201 E CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391



Signature of person or attorney mailing the form