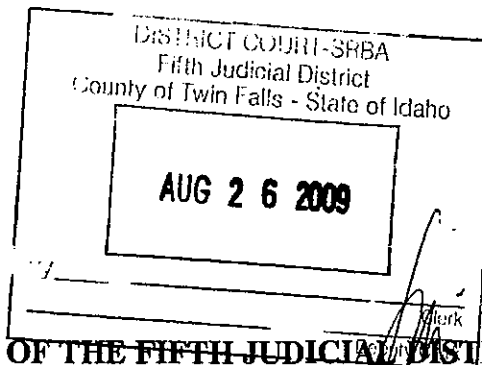




RECEIVED
AUG 17 2009
DEPARTMENT OF
WATER RESOURCES

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

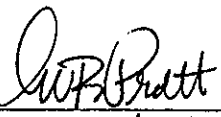
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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:
Eastern Idaho Grazing Association

OBJECTOR:
Shoshone-Bannock Tribes


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


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

RESPONDENT:

State of Idaho



David J. Barber Date 8/3/09

Attorney for Respondent

Shasta Kilminster-Hadley

IDWR Concurrence:



Michael Holliday Date 8/10/2009
Senior Water Resource Agent



Garrick L. Baxter Date 7/27/09
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
 GARDEN CREEK TRIBUTARY: BRUSH CREEK
 RAWLINS CREEK TRIBUTARY: BRUSH CREEK

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</u> <u>11/10</u>	<u>0.020 CFS</u> <u>7.30 AFY</u>
	~~05/10~~ ~~11/01~~	~~0.070 CFS~~ ~~24.40 AFY~~

~~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

~~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.

jm *SEA*
gr
MWH

CERTIFICATE OF MAILING

I certify that on 8/25, 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


Signature of person or attorney mailing the form