



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

September 18, 2009

Idaho Department of Water Resources
Attn: Ernie Carlsen
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: 27-2075 & 12142 (Lake) and 27-12125 (Chesterfield L & L)

Dear Ernie:

I am enclosing an SF5 for 27-12125 and Stipulations for 27-2075 & 27-12142. Since Denise is out, if you could please sign, initial and return the original documents to me, it would be greatly appreciated.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Williams".

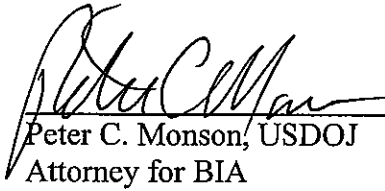
Ray Williams
Paralegal

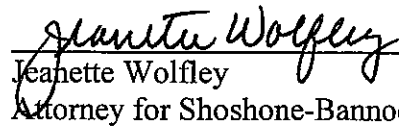
Enclosures

In Re SRBA) Subcase No. 27-2075
)
 Case No. 39576)
)
) STIPULATION TO RESOLVE
) OBJECTION
)

1

OBJECTORS:

 9/9/09
Peter C. Monson, USDOJ Date
Attorney for BIA

 8/10/09
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

 9/15/09
David J. Barber Date
Attorney for State of Idaho
Shasta Kilminster Hadley
IDWR Concurrence:

Denise Kidman Date
Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-2075
NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221

SOURCE: Source: SPRINGS Tributary: SINKS

QUANTITY: 0.330 CFS 0.000 AFY

PRIORITY DATE: 09/02/1919

POINT OF DIVERSION:

T06S R42E S9 NENWSW Within CARIBOU County
T06S R42E S9 NENWSW Within CARIBOU County
T06S R42E S9 SENWSW Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 10/31	0.330 CFS

PLACE OF USE: IRRIGATION within CARIBOU County
T06S R42E S09 NESW 2.5
T06S R42E S09 NWSW 14.0

16.5 ACRES TOTAL

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

This water right is subject to a private agreement entered into between the United States of America and Dennis M. Lake and recorded on May 21, 2008 in the Caribou County Recorder's Office as Instrument Number 180662.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

STIPULATION

27-02075

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

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

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

DENNIS M. LAKE
Represented by:
DWIGHT E. BAKER
266 WEST BRIDGE
BLACKFOOT, ID 83221

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. 27-12142
	)	
Case No. 39576	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION
	)	

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.

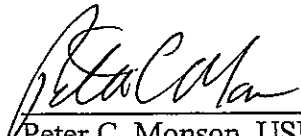
The claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the claimant's objection to the Director's Report. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and the Bureau of Indian Affairs objections concerning an annual irrigation diversion volume are still outstanding, as well as Mr. Lake's objection to the priority date.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT/OBJECTOR:

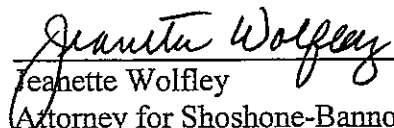
Dennis M. Lake

	7-20-09
Dwight E. Baker	Date
Attorney for Claimant/Objector	

OBJECTORS:

 9/9/09

Peter C. Monson, USDOJ Date
Attorney for BIA

 8/10/09

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

IDWR Concurrence:

Denise Kidman Date
Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12142
NAME AND ADDRESS: DENNIS M LAKE
830 TABER RD
BLACKFOOT ID 83221
SOURCE: Source: LITTLE BLACKFOOT RIVER Tributary: BLACKFOOT RIVER
QUANTITY: 0.580 CFS 0.650 CFS
PRIORITY DATE: 04/15/1954
POINT OF DIVERSION: T06S R42E S10 NWSW Within CARIBOU County Within Bingham County
PURPOSE AND PERIOD OF USE: Purpose of use IRRIGATION Period of use: 4/15 07/01 Quantity: 0.580 CFS 0.650 CFS
PLACE OF USE: IRRIGATION within CARIBOU County within Bingham County
T06S R42E S09 NESE 2.2 T06S R42E S09 SESE 29.0
T06S R42E S16 NENE 1.6
29 ACRES TOTAL 32.8 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

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

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0698

DENNIS M. LAKE

Represented by:
DWIGHT E. BAKER
266 WEST BRIDGE
BLACKFOOT, ID 83221

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. 27-12125
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

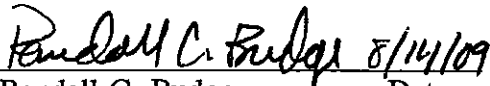
This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge 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.

CLAIMANT:
Chesterfield Land & Livestock Assn.

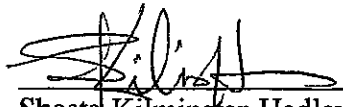
OBJECTOR:
Shoshone-Bannock Tribes


Randall C. Budge Date
Attorney for Claimant


Jeanette Wolfley Date
Attorney for Objector

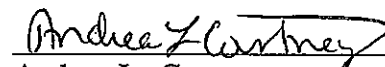
RESPONDENT:

State of Idaho


Shasta Kilminster-Hadley 01-10-09
Attorney for Respondent Date

IDWR Concurrence:

Denise Kidman Date
Water Resource Agent

 8/5/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12125

NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC
1976 TELFORD RD
GRACE ID 83241

SOURCE: SPRING

TRIBUTARY: WARBONNET CREEK

QUANTITY: 0.040 CFS
7.30 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 for stockwater of 11.29 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, and 27-12125.

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.25 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, 27-12175, 27-12119, 27-12120, 27-27-12122, 27-12123, 27-12124 and 27-12125.~~

PRIORITY DATE: 05/18/1900

POINT OF
DIVERSION: T05S R39E S8 SESEW Within CARIBOU County
T05S R39E S8 NWNESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 10/31	0.020 CFS
	05/01 11/01	0.60 AFY
STOCKWATER	05/01 10/31	0.020 CFS
		7.30 AFY
	05/01 11/01	7.34 AFY

PLACE OF USE: STOCKWATER in CARIBOU County
T05S R39E S04 NWSW
DOMESTIC in CARIBOU County
T05S R39E S04 NWSW
Domestic use is for 1 home.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 1000 cow-calf pairs.

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

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

CHESTERFIELD LAND & LIVESTOCK

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

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