

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____
2009 SEP 23 AM 10 17

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. 27-12122
	)	
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.

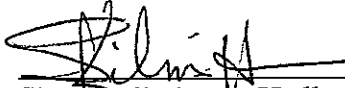
OBJECTOR:
Shoshone-Bannock Tribes

Randall C. Budge 8/14/09
Randall C. Budge Date
Attorney for Claimant

Jeanette Wolfley 8/10/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

 9-10-09
Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

for  9-3-09
Denise Kidman Date
Water Resource Agent

 9/5/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12122
NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC
1976 TELFORD RD
GRACE ID 83241
SOURCE: Source: Tributary:
SPRING SINKS
QUANTITY: 0.020 CFS
7.300 AFY 7.340 AFY

The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.29 AF. Combined Right Nos.: 27-12117, 27-12120, 27-12122, and 27-12124.

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.35 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, 27-12175, 27-12117, 27-12119, 27-12120, 27-12122, 27-12123, 27-12124 and 27-12125.~~

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

PRIORITY DATE: 06/01/1917

POINT OF DIVERSION:

~~T06S R41E S6 SWNW Within CARIBOU County~~

T06S R41E S6 Lot 3 SWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

05/01 10/31

0.020 CFS 7.30 AFY

05/01 11/01

0.020 CFS 7.34 AFY

PLACE OF USE:

STOCKWATER

within CARIBOU County

T05S R41E S31 Lot 4 SWSW

~~T05S R41E S31 NWSW~~

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.

CERTIFICATE OF MAILING

I certify that on Sept 21st, 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

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