

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED _____

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OFFICE OF THE
ATTORNEY GENERAL

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. 27-10903
)
)

Case No. 39576

) STANDARD FORM 5
)

) **AMENDED CLAIM**
)

) 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:

Cedar Creek Grazing Association

OBJECTOR:

Shoshone-Bannock Tribes

By: _____

Date: 8/18/09

Title: Owner

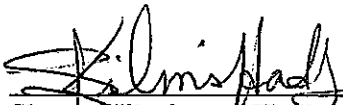
By: _____

Date: 8/11/09

Jeanette Wolfley
Attorney for Objector

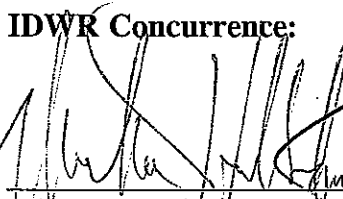
RESPONDENT:

State of Idaho

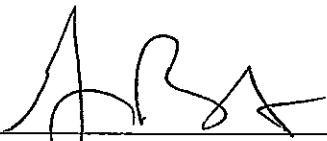
 9-10-09

Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

 9/21/2009

Michael Holliday Date
Senior Water Resource Agent

 9/25/09

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-10903

NAME AND ADDRESS:

CEDAR CREEK GRAZING ASSN
C/O KATHY AND RULON JONES
PO BOX 472
FIRTH ID 83236

SOURCE:

Source:
CEDAR CREEK

Tributary:
BLACKFOOT RIVER

Source:
COLE CREEK

Tributary:
CEDAR CREEK

Source:
MINER CREEK

Tributary:
BLACKFOOT RIVER

Source:
UNNAMED STREAM

Tributary:
CEDAR CREEK

QUANTITY:

0.020 CFS
6.300 AFY

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

Right Nos. 27-10903 and 27-10904 are limited to a total combined annual diversion volume of 6.3 AF.

PRIORITY DATE: 01/01/1967

POINT OF DIVERSION:

T02S R38E S25 NENENE Begin of Stream Flow
Within BINGHAM County

T02S R38E S25 SESENE Begin of Stream Flow
Within BINGHAM County

T02S R38E S25 SWSWNW End of Stream Flow
Within BINGHAM County

T02S R39E S21 SESW
Within BINGHAM County

~~T02S R39E S25 SWSWNW End of Stream Flow~~
~~Within BINGHAM County~~

T02S R39E S30 Lot 3 NENWSW End of Stream Flow
Within BINGHAM County

~~T02S R39E S30 SESWSE Begin of Stream Flow~~
~~Within BINGHAM County~~

T02S R39E S31 NWSENE Begin of Stream Flow
Within BINGHAM County

T02S R39E S31 NESENW Begin of Stream Flow
Within BINGHAM County

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/15 11/01

0.020 CFS 6.30 AFY

01/01 12/31

PLACE OF USE:

STOCKWATER within BINGHAM County

T02S R38E S25 NENE

T02S R38E S25 SWNE

T02S R38E S25 SENE

T02S R38E S25 SWNW

T02S R38E S25 SENW

T02S R38E S25 NESE

T02S R38E S25 NWSE

T02S R38E S25 SESE

T02S R39E S21 SESW

T02S R39E S30 Lot 3 NWSW

~~T02S R39E S30 SWSW~~

T02S R39E S30 SESW

T02S R39E S30 SWSE

T02S R39E S31 NENE

T02S R39E S31 SENE

T02S R39E S31 NENW

~~T02S R39E S31 NWNW~~

T02S R39E S31 Lot 1 NWNW

T02S R39E S31 SENW

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 600 cow-calf pairs.

CERTIFICATE OF MAILING

I certify that on 9/30, 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

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

CEDAR CREEK GRAZING ASSN.
C/O KATHY AND RULON JONES
P.O. BOX 472
FIRTH, ID 83236

RULON JONES
3985 N 3775 E
LIBERTY, UT 84310



Signature of person or attorney mailing the form