



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

December 2, 2009

Peter C. Monson
Environment & Natural Resource Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 27-102 (Meadow Creek Ranch)

Dear Peter:

I am enclosing a *Stipulation to Resolve Objection* for the above-referenced subcase. Please review the *Stipulation*, and if it is acceptable to you, please sign on the indicated signature line, initial the recommendation and return the original document to me. I will obtain the remaining signature and file the *Stipulation* with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,


Ray Williams
Paralegal

Enclosure

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

Case No. 39576

) Subcase No. 27-102
)
)
)
)
)
)

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 no longer contain a stockwater component. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation diversion volume, place of use and the period of year are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT:

Meadow Creek Ranch

Elaine Ellis 10/16/09
By: ELAINE ELLIS Date
Title: PARTNER, MEADOW CREEK RANCH

OBJECTORS:

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley 4/16/09

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

David J. Barber 11/6/09

David J. Barber Date
Attorney for State of Idaho
Shasta Kilminster-Hadley

IDWR Concurrence:

Michael Holliday 10/26/2009

Michael Holliday Date
Senior Water Resource Agent

Jerry R. Rigby 11-23-09

Jerry R. Rigby Date
Attorney for Committee of Nine

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-102

NAME AND ADDRESS:

MEADOW CREEK RANCH
C/O DAVID BOSEN
2545 W 2400 N
PRESTON ID 83263

MEADOW CREEK RANCH
2330 S DALLIN ST
SALT LAKE CITY UT 84109

SOURCE:

Source:
SHEEP CREEK

Tributary:
MEADOW CREEK

Source:
UNNAMED STREAM

Tributary:
MEADOW CREEK

QUANTITY: 3.200 CFS

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

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION:

T05S R42E S3 Lot 2 NWNWNE
Within CARIBOU County

T05S R42E S4 Lot 2 SENWNE
Within CARIBOU County

T05S R42E S4 NESWNE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

3.200 CFS

STOCKWATER

04/15 10/31

0.020 CFS 4.40 AFY
~~0.120 CFS~~

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

PLACE OF USE: IRRIGATION within BONNEVILLE and CARIBOU Counties ~~within CARIBOU County~~

<u>T04S R42E S33 SESE 1.1</u>	
<u>T05S R42E S04 Lot 1 NENE 12.0</u>	
<u>T05S R42E S04 Lot 2 NWNE 3.5</u>	
<u>T05S R42E S04 SWNE 26.0</u>	
<u>T05S R42E S04 SENE 23.0</u>	~~T05S R42E S04 SENE 21.0~~
<u>T05S R42E S04 SENW 9.0</u>	~~T05S R42E S04 SENW 5.3~~
<u>T05S R42E S04 NESW 10.0</u>	~~T05S R42E S04 NESW 15.0~~
	~~T05S R42E S04 SESE 0.7~~
<u>T05S R42E S04 NESE 20.0</u>	~~T05S R42E S04 NESE 15.0~~
<u>T05S R42E S04 NWSE 28.0</u>	~~T05S R42E S04 NWSE 39.0~~
<u>T05S R42E S04 SWSE 1.1</u>	~~T05S R42E S04 SWSE 21.0~~
<u>T05S R42E S04 SESE 8.5</u>	
STOCKWATER Same As IRRIGATION	
<u>142.2 ACRES TOTAL</u>	~~143 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 - Decreed

Stockwater use is for 300 yearlings and 250 cow-calf pairs.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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:

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

COMMITTEE OF NINE
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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

MEADOW CREEK RANCH
2330 S. DALLIN STREET
SALT LAKE CITY, UT 84109

Signature of person or attorney mailing the form