



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

January 6, 2010

Shasta Kilminster-Hadley
Deputy Attorney General
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Sent via Statehouse Mail

*RE: SRBA Subcase Nos. 27-12110
(Lloyd Stolworthy LTD Family Partnership A)*

Dear Shasta:

I am enclosing an SF5 for the above-referenced water right. Please review the document, and if it is acceptable to you, please sign on the indicated signature line, initial the revised recommendation and return the original SF5 to me. I will obtain the remaining signatures and file it with the SRBA Court.

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

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

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	)	Subcase No. 27-12110
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	<u>AMENDED CLAIM</u>
	)	FOR DOMESTIC & STOCKWATER RIGHT

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:

Lloyd Stolworthy LTD Family Partnership A

By: . Date
Title:

OBJECTOR:

RESPONDENT:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 1/6/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12110

NAME AND ADDRESS:

LLOYD STOLWORTHY LTD FAMILY
PARTNERSHIP A
1525 E WOLVERINE RD
FIRTH ID 83236

SOURCE:

Source:
UNNAMED STREAM

Tributary:
JONES CREEK
~~BLACKFOOT RIVER~~

QUANTITY:

0.020 CFS
9.400 AFY

~~5.500 AFY~~

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

Right Nos. 27-12110, 27-12111, 27-12112, 27-12113 and 27-55A are limited to a total combined annual diversion volume of 10.5 AF for stockwater.

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T02S R39E S7 Lot 4 SWSW
Within BINGHAM County

~~T02S R38E S7 Lot 16 SWSWSW~~
~~Within BINGHAM County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
STOCKWATER	04/01 12/01	0.020 CFS <u>9.40 AFY</u> ~~5.50 AFY~~

PLACE OF USE: STOCKWATER within BINGHAM County

~~T02S R38E S07 Lot 16 SWSW~~

T02S R39E S07 Lot 4 SWSW

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 1000 cattle and 40 horses.

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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
PO BOX 83720
BOISE, ID 83720-0098

LLOYD STOLWORTHY LTD FAMILY
PARTNERSHIP A
1525 E. WOLVERINE RD.
FIRTH, ID 83236

Signature of person or attorney mailing form