



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. 27-12076 & 27-12079 (Hayden)

Dear Shasta:

I am enclosing an Amended SF5 for each of the above-referenced water rights. Please review the documents, and if they are acceptable to you, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me. I will obtain the remaining signatures and file them 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

Enclosures

**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. 27-12076
	)	
Case No. 39576	)	AMENDED
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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 parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMAINT:

OBJECTOR:

Shoshone-Bannock Tribes

Doris Bollar Hayden Date

Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho

Shasta Kilminster-Hadley Date
Attorney for Respondent

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: 27-12076

NAME AND ADDRESS:

DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS ID 83276

SOURCE:

Source:
SLUG CREEK

Tributary:
BLACKFOOT RIVER

QUANTITY:

0.020 CFS

1.600 AFY

1.970 AFY

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

Right Nos. 27-12076 and 27-12079 are limited to a total combined annual diversion volume of 1.6 AF.

PRIORITY DATE: 08/02/1945

POINT OF DIVERSION:

T08S R43E S24 NESENW
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/10 11/15

0.020 CFS 1.60 AFY

~~05/01 11/30~~

~~0.020 CFS 1.97 AFY~~

PLACE OF USE:

STOCKWATER within CARIBOU County
T08S R43E S13 NESW
T08S R43E S13 SESW
T08S R43E S24 NWNE

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 140 cow-calf pairs.

~~Stockwater use is for 250 cattle~~

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:

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

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 DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

DORIS BOLLAR HAYDEN
P.O. BOX 598
SODA SPRINGS, ID 83276

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. 27-12079
	)	
Case No. 39576	)	AMENDED
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

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CLAIMAINT:

Doris Bollar Hayden		Date
---------------------	--	------

OBJECTOR(S):

Shoshone-Bannock Tribes

Bureau of Land Management

Jeanette Wolfley Date
Attorney for Objector

David L. Negri, USDOJ Date
Attorney for Objector

RESPONDENT:

State of Idaho

Shasta Kilminster-Hadley Date
Attorney for Respondent

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: 27-12079

NAME AND ADDRESS:

DORIS BOLLAR HAYDEN
PO BOX 598
SODA SPRINGS ID 83276

SOURCE:

Source:

CALDWELL CANYON CREEK

Tributary:

SINKS

Source:

UNNAMED STREAM

Tributary:

CALDWELL CANYON CREEK

QUANTITY:

0.020 CFS

1.600 AFY

1.970 AFY

AK

Right Nos. 27-12076 and 27-12079 are limited to a total combined annual diversion volume of 1.6 AF.

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

PRIORITY DATE:

08/02/1945

POINT OF DIVERSION:

T08S R43E S13 NENWNE Begin of Stream Flow
Within CARIBOU County

T08S R43E S13 NWNENW End of Stream Flow
Within CARIBOU County

T08S R44E S7 SWSENE Begin of Stream Flow
Within CARIBOU County

T08S R44E S7 NWSESW End of Stream Flow
Within CARIBOU County

~~T08S R44E S7 SENWSE End of Stream Flow~~
~~Within CARIBOU County~~

T08S R44E S7 NWSESE Begin of Stream Flow
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

STOCKWATER

Period of use:

05/10 11/15

~~05/01 11/30~~

Quantity:

0.020 CFS 1.60 AFY

~~0.020 CFS 1.97 AFY~~

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

PLACE OF USE: STOCKWATER within CARIBOU County
T08S R43E S13 NWNE
T08S R43E S13 NENW
T08S R44E S07 SWNE
T08S R44E S07 SENE
T08S R44E S07 NESW
T08S R44E S07 SESW
T08S R44E S07 NWSE
T08S R44E S07 SWSE
T08S R44E S07 SESE

OK

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.

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

DORIS BOLLAR HAYDEN
P.O. BOX 598
SODA SPRINGS, ID 83276

UNITED STATES OF AMERICA
Represented by:
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

Signature of person or attorney mailing the form