

207

DISTRICT COURT - SRBA  
TWIN FALLS CO. IDAHO  
FILED \_\_\_\_\_  
2009 DEC 16 AM 10 53

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. 27-102     |
|                | ) |                        |
| Case No. 39576 | ) |                        |
|                | ) |                        |
|                | ) | 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.

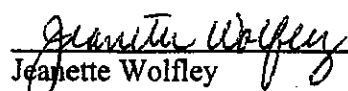
The claimant and IDWR agree and stipulate that the elements of this water right should no longer contain a stockwater component. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe and Bureau of Indian Affairs concerning an annual irrigation 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

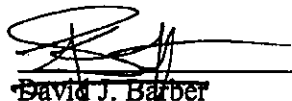
Elaine Ellis 10/16/09  
By: ELAINE ELLIS Date  
Title: PARTNER, MEADOW CREEK RANCH

**OBJECTORS:**

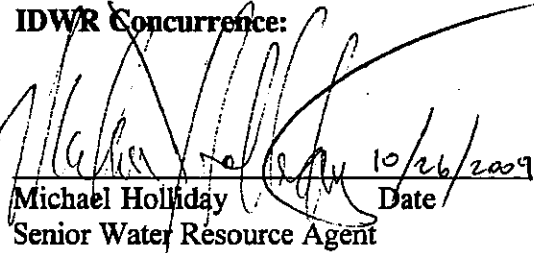
  
Peter C. Monson, USDOJ      12/8/2009  
Attorney for BIA      Date

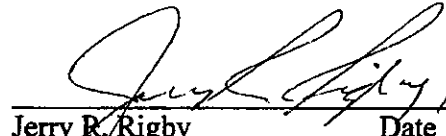
  
Jeanette Wolfley      4/16/09  
Attorney for Shoshone-Bannock Tribes      Date

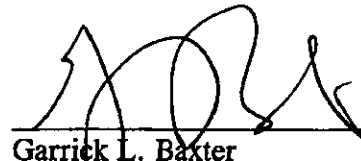
**RESPONDENTS:**

  
David J. Barber      11/6/09  
Attorney for State of Idaho      Date  
Shasta Kilminster-Hadley

**IDWR Concurrence:**

  
Michael Holliday      10/26/2009  
Senior Water Resource Agent      Date

  
Jerry R. Rigby      11.23.09  
Attorney for Committee of Nine      Date

  
Garrick L. Baxter      12/11/09  
Deputy Attorney General      Date  
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>       | <del>T05S R42E S04 SENE 21.0</del> |
| <u>T05S R42E S04 SENW 9.0</u>        | <del>T05S R42E S04 SENW 5.3</del>  |
| <u>T05S R42E S04 NESW 10.0</u>       | <del>T05S R42E S04 NESW 15.0</del> |
|                                      | <del>T05S R42E S04 SESE 0.7</del>  |
| <u>T05S R42E S04 NESE 20.0</u>       | <del>T05S R42E S04 NESE 15.0</del> |
| <u>T05S R42E S04 NWSE 28.0</u>       | <del>T05S R42E S04 NWSE 39.0</del> |
| <u>T05S R42E S04 SWSE 1.1</u>        | <del>T05S R42E S04 SWSE 21.0</del> |
| <u>T05S R42E S04 SESE 8.5</u>        |                                    |
| STOCKWATER Same As IRRIGATION        |                                    |
| <u>142.2 ACRES TOTAL</u>             | <u>143 ACRES TOTAL</u>             |

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 December 15, 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

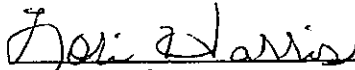
COMMITTEE OF NINE

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 033  
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