



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

January 15, 2010

Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202

RE: 27-4077 & 27-4088 (Oleson)
27-12076 & 27-12079 (Hayden)
27-12110 (Stolworthy)

Dear Jeanette:

I am enclosing Stipulations for 27-4077 and 27-4078, an Amended SF5 for 27-12076 and 27-12079 and a SF5/Amended Claim for 27-12110. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. After signature, please circulate the documents to the other parties for signature and ask that they return the original documents to me. I will obtain the remaining signature from IDWR 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 Re SRBA	)	Subcase No. 27-4077
	)	
Case No. 39576	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION
	)	

The claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the claimant's objection to the Director's Report. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribe concerning an annual irrigation diversion volume and the period of use, and the Bureau of Indian Affairs objections concerning an annual irrigation diversion volume remain.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT(s):

George Oleson Date

Lila Oleson Date

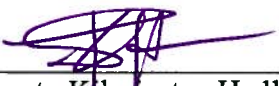
Steven Oleson
Date

OBJECTOR(s):

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT(s):

_____
Shasta Kilminster-Hadley 1/13/10
Attorney for State of Idaho Date

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

_____
Andrea L. Courtney 1/12/10
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 27-4077

NAME AND ADDRESS: GEORGE OLESON
317 E RICH LN
BLACKFOOT ID 83221

LILA OLESON
363 E 200 N
BLACKFOOT ID 83221

STEVEN OLESON
359 E 200 N
BLACKFOOT ID 83221

SOURCE: UNNAMED STREAM
SPRING

TRIBUTARY: BLACKFOOT RESERVOIR
TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.380 CFS

The rights listed below are limited to a total combined annual diversion volume of 2.9 af for stockwater. Combined Right Nos.: 27-4077, 27-4078, 27-10751, and 27-10752.

PRIORITY DATE: 08/29/1929

POINT OF
DIVERSION:

T05S R40E S1 NENWNW Lot 4 Within CARIBOU County
T05S R40E S1 NWNWNW Lot 4 Within CARIBOU County

AK
SKH

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	~~04/15~~ ~~11/01~~ 05/15 11/01	~~0.02 CFS~~ 0.19 CFS 2.90 AFY
IRRIGATION	04/15 10/31	0.380 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T05S R40E S01 Lot 4 NWNW 11.00 T05S R40E S01 SWNW 8.00

STOCKWATER in CARIBOU County

T05S R40E S01 Lot 4 NWNW T05S R40E S01 SWNW

T05S R40E S02 Lot 1 NENE T05S R40E S02 SENE

19 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 - Beneficial Use

Stipulation

27-4077

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

Stockwater use is for 550 cow-calf pairs.

AZC SKH

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

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

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

COMMITTEE OF NINE

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

COMMITTEE OF NINE

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

GEORGE OLESON
317 E. RICH LANE
BLACKFOOT, ID 83221

STEVEN OLESON
359 E. 200 N.
BLACKFOOT, ID 83221

LILA OLESON
363 E. 200 N.
BLACKFOOT, ID 83221

Signature of person or attorney mailing the form

In Re SRBA	)	Subcase No. 27-4078
	)	
Case No. 39576	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTION
	)	

1

OBJECTOR(s):

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT(s):

 _____
Shasta Kilminster-Hadley 1/13/10
Attorney for State of Idaho Date

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 _____
Andrea L. Courtney 1/12/10
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 27-4078

NAME AND ADDRESS:

GEORGE OLESON
317 E RICH LN
BLACKFOOT ID 83221

LILA OLESON
363 E 200 N
BLACKFOOT ID 83221

STEVEN OLESON
359 E 200 N
BLACKFOOT ID 83221

SOURCE:

Source:

Tributary:

UNNAMED STREAM

SINKS

~~UNNAMED SPRING~~

AK
SKH

QUANTITY:

2.960 CFS

The rights listed below are limited to a total combined annual diversion volume of 2.9 af for stockwater. Combined Right Nos.: 27-4077, 27-4078, 27-10751, and 27-10752.

PRIORITY DATE:

04/16/1923

~~01/13/1922~~

POINT OF DIVERSION:

T04S R41E S32 SWNW
Within BINGHAM County

~~T04S R41E S32 NWSWNW~~
~~Within BINGHAM County~~

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.960 CFS

~~04/01 10/31~~

STOCKWATER

05/15 11/01

0.190 CFS 2.90 AFY

~~04/15 11/01~~

~~0.020 CFS~~

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

PLACE OF USE: IRRIGATION within BINGHAM County
 T04S R41E S30 NESW 9.1
 T04S R41E S30 SESW 15.0
 T04S R41E S30 NWSE 4.6
 T04S R41E S30 SWSE 33.0
 T04S R41E S30 SESE 15.0
 T04S R41E S31 NENE 23.0
 T04S R41E S31 NWNE 23.0
 T04S R41E S31 SWNE 16.0
 T04S R41E S31 NENW 2.7
 T04S R41E S32 SWNW 7.0
 STOCKWATER Same As IRRIGATION
 148.4 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 - Beneficial Use

AK
SKA

Stockwater use is for 550 cow-calf pairs.

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

CERTIFICATE OF MAILING

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SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV. CHIEF
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P.O. BOX 250

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BLACKFOOT, ID 83221

STEVEN OLESON

359 E. 200 N.

BLACKFOOT, ID 83221

LILA OLESON

363 E. 200 N.

BLACKFOOT, ID 83221

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. 27-12076
	)	
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 1/13/10
Attorney for Respondent Date

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 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

ATL
SKH

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	<u>05/10 11/15</u>	<u>0.020 CFS 1.60 AFY</u>
	~~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:

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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

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:

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

 1/13/10
Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 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

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
SKH*

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:

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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

UNITED STATES OF AMERICA
Represented by:
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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. 27-12110
	)	
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:

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT:

 1/13/10

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 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 9.40 AFY

~~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:

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SNAKE RIVER BASIN ADJUDICATION
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Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
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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