

FEB 19 2010

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. 27-12053  
)  
Case No. 39576 )  
) STANDARD FORM 5  
) AMENDED CLAIM  
) FOR DOMESTIC & STOCKWATER  
RIGHTS

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:**  
Bear Lake Grazing Company

**OBJECTOR:**  
Shoshone-Bannock Tribes

By: Joan L. Bunderson 1/30/10  
Title: Managing General Partner Date

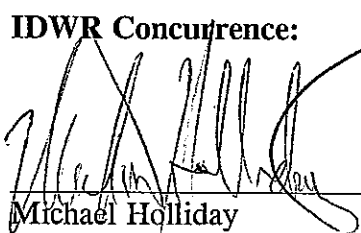
By: Jeanette Wolfley 12/31/09  
Attorney for Objector Date

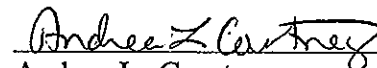
**RESPONDENT:**

State of Idaho

 2-11-10  
Shasta Kilminster-Hadley Date  
Attorney for Respondent

**IDWR Concurrence:**

 1/28/2010  
Michael Holliday Date  
Senior Water Resource Agent

 12/2/09  
Andrea L. Courtney Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: 27-12053

NAME AND ADDRESS:

BEAR LAKE GRAZING CO  
835 ALTON RD  
MONTPELIER ID 83254

G/O ROWDEEN KEETCH  
3632 BENCH RD  
MONTPELIER, ID 83254

SOURCE:

Source:  
UNNAMED STREAM  
STEEL SPRING

Tributary:  
DIAMOND CREEK

QUANTITY:

0.020 CFS  
8.500 AFY

~~28.350 AFY~~

The rights listed below are limited to a total combined annual diversion volume of 39.4 af. Combined Right Nos.: 27-12043, 27-12052, 27-12053, 27-12054, 27-12055, 27-12056, 27-12057, 27-12058, 27-12059, 27-12060, 27-12061, 27-12194, and 27-12195.

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

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 36.64 af. Combined Right Nos.: 27-12043, 27-12052, 27-12053, 27-12054, 27-12055, 27-12056, 27-12057, 27-12058, 27-12059, 27-12060 and 27-12061.~~

PRIORITY DATE: 10/18/1886

POINT OF DIVERSION:

T07S R44E S24 NENENW Begin of Stream Flow  
Within CARIBOU County

T07S R44E S24 NWSNW End of Stream Flow  
Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

STOCKWATER

05/01 11/30

0.020 CFS 8.50 AFY

~~06/01 11/01~~

~~0.020 CFS 28.35 AFY~~

PLACE OF USE:

STOCKWATER within CARIBOU County

T07S R44E S24 NENW

T07S R44E S24 SENW

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 3000 cow-calf pairs.

## CERTIFICATE OF MAILING

I certify that on February 18, <sup>2010</sup>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

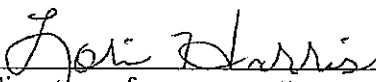
2. Copies to:

SHOSHONE-BANNOCK TRIBES  
Represented by:  
JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N. ARTHUR  
POCATELLO, ID 83202

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

BEAR LAKE GRAZING CO.  
835 ALTON ROAD  
MONTPELIER, ID 83254

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

  
\_\_\_\_\_  
Signature of person or attorney mailing the form