

**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. 27-12055
)
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

Jean L. Bunderson 1/30/10
By: _____ Date
Title: *Managing General Partner*

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

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Bear Lake Grazing Company

OBJECTOR:

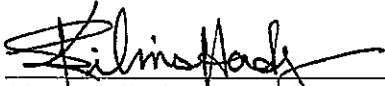
Shoshone-Bannock Tribes

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

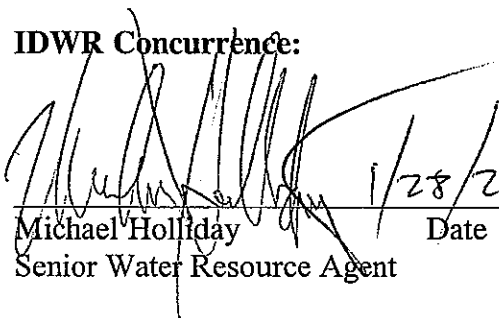
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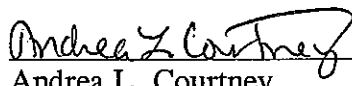
RESPONDENT:

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: 27-12055

NAME AND ADDRESS:

BEAR LAKE GRAZING CO
835 ALTON RD
MONTPELIER ID 83254

~~C/O ROWDEEN KEETCH~~
~~3632 BENCH RD~~
~~MONTPELIER, ID 83254~~

SOURCE:

Source:

UNNAMED STREAMS
KUNZ SPRING

Tributary:

LANES CREEK
~~LANE 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:

T06S R44E S27 NENSW Begin of Stream Flow
Within CARIBOU County

~~T06S R44E S27 NESWSW Begin of Stream Flow
Within CARIBOU County~~

T06S R44E S27 SESWSW Begin of Stream Flow
Within CARIBOU County

T06S R44E S28 NWSESE End of Stream Flow
Within CARIBOU County

T06S R44E S33 SENENE 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

T06S R44E S27 NWSW

T06S R44E S27 SWSW

T06S R44E S28 SESE

T06S R44E S33 NENE

T06S R44E S34 NWNW

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

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.

AK

MWA

JA

SKH

JLB

CERTIFICATE OF MAILING

I certify that on February 18, ²⁰¹⁰2009, 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 mailing form