



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

March 22, 2010

Idaho Department of Water Resources
Attn: Michael Holliday
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: 27-4077 & 27-4088 (Oleson)

Dear Michael:

I am enclosing Stipulations for each of the above-referenced water rights. Please sign, initial and return the original documents to me. I'll circulate them for the remaining signatures.

Thanks.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray".

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. 27-4077
)

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 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 3/9/10
George Oleson Date

Lila Oleson 3-9-10
Lila Oleson Date

Steven Oleson 3/9/10
Steven Oleson Date

OBJECTOR(s):

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley 2/26/2010

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT(s):

Shasta Kilminster-Hadley 1/13/10

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 1/12/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-4077

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

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.

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

AZ SKH

Jim

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 033
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 2/26/10

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENT(s):

Shasta Kilminster-Hadley 1/13/10

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

Andrea L. Courtney 1/12/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-4078

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~~

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:

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 550 cow-calf pairs.

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

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SHOSHONE-BANNOCK TRIBE
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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
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