



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

April 26, 2010

Shasta Kilminster-Hadley  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

*Sent via Statehouse Mail*

*RE: SRBA Subcase Nos. 27-11355 & 27-12211 (Rich)*

Dear Shasta:

I am enclosing an SF5/Amended Claim for water right no. 27-11355 and an SF5 for water right 27-12211. If the documents are acceptable, please sign on the indicated signature lines, initial the recommendations and return the original documents to me. I will circulate the documents for the remaining signatures. Once all the signatures are obtained, I will file the SF5s with the SRBA Court, along with a cover letter describing the basis of the creation of water right no. 27-12111.

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 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. 27-12211     |
|                | ) |                          |
|                | ) |                          |
| Case No. 39576 | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

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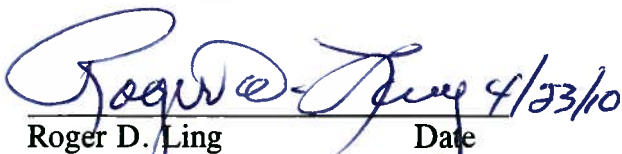
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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 as per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.**

**CLAIMANT:**  
Thomas P. Rich

**RESPONDENT:**  
R C Rich Sheep Co.

  
Roger D. Ling                      Date 4/23/10  
Attorney for Claimant

  
Roger D. Ling                      Date 4/23/10  
Attorney for Respondent

**OBJECTOR(s):**

\_\_\_\_\_  
Jeanette Wolfley                      Date  
Attorney for Shoshone-Bannock Tribes

\_\_\_\_\_  
David L. Negri                      Date  
Attorney for BLM

**RESPONDENT:**

\_\_\_\_\_  
Shasta Kilminster-Hadley      Date  
Attorney for State of Idaho

**IDWR Concurrence:**

\_\_\_\_\_  
Michael Holliday                  Date  
Senior Water Resource Agent

 4/20/10  
\_\_\_\_\_  
Andrea L. Courtney                  Date  
Deputy Attorney General  
Attorney for IDWR

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

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RIGHT NUMBER: 27-12211

NAME AND ADDRESS: THOMAS P. RICH  
592 N. 1089 E.  
JACKSON ID 83350

*AT  
RCH*

SOURCE: UNNAMED SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS  
9.70 AFY

Right Nos. 27-11355 and 27-12211 are limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 9.7 AF.

The total combined quantity of water under this right and right no. 27-11355 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1926

POINT OF  
DIVERSION:

T05S R40E S11 NENWNW Within CARIBOU County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| STOCKWATER            | 04/01 11/30          | 0.020 CFS<br>9.70 AFY |

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R40E S11 NWNW

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

Stockwater use is for 300 cow-calf pairs, 500 range cows, and 4000 sheep.

## 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 DIVISION CHIEF  
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

R C RICH SHEEP CO.  
Represented by:  
ROGER D. LING  
121 W. 100 S.  
P.O. BOX 623  
RUPERT, ID 83350

UNITED STATES OF AMERICA  
Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATURAL RESOURCES  
550 WEST FORT STREET, MSC O33  
BOISE, ID 83724

THOMAS P. RICH  
592 N. 1089 E.  
JACKSON, ID 83350

\_\_\_\_\_  
Signature of person or attorney mailing 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. 27-11355      |
|                | ) |                           |
| Case No. 39576 | ) |                           |
|                | ) | STANDARD FORM 5           |
|                | ) |                           |
|                | ) | <u>AMENDED CLAIM</u>      |
|                | ) | FOR DOMESTIC & STOCKWATER |
|                | ) | RIGHTS                    |
|                | ) |                           |

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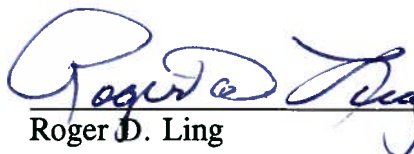
This form is used to report the stipulated elements of one “domestic and/or stockwater” right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge 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:**  
Thomas P. Rich

**RESPONDENT:**  
R C Rich Sheep Co.

 4/23/10  
\_\_\_\_\_  
Roger D. Ling                      Date  
Attorney for Claimant

 4/23/10  
\_\_\_\_\_  
Roger D. Ling                      Date  
Attorney for Respondent

**OBJECTOR(s):**

\_\_\_\_\_  
Jeanette Wolfley                      Date  
Attorney for Shoshone-Bannock Tribes

\_\_\_\_\_  
David L. Negri                      Date  
Attorney for BLM

**RESPONDENT:**

\_\_\_\_\_  
Shasta Kilminster-Hadley      Date  
Attorney for State of Idaho

**IDWR Concurrence:**

\_\_\_\_\_  
Michael Holliday                  Date  
Senior Water Resource Agent

 4/20/10  
\_\_\_\_\_  
Andrea L. Courtney                  Date  
Deputy Attorney General  
Attorney for IDWR

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

---

RIGHT NUMBER: 27-11355

NAME AND ADDRESS:

THOMAS P. RICH  
592 N. 1089 E.  
JACKSON ID 83350

SOURCE:

Source:

SPRING

Source:

SPRINGS

Source:

UNNAMED STREAMS

Tributary:

BLACKFOOT RIVER

Tributary:

SINKS

Tributary:

BLACKFOOT RIVER

QUANTITY:

0.020 CFS

9.700 AFY

The total combined quantity of water under this right and right no. 27-12211 shall not exceed 13,000 gallons per day.

Right Nos. 27-11355 and 27-12211 are limited to a total combined diversion rate of 0.02 cfs and to a total combined annual diversion volume of 9.7 AF.

~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.~~

PRIORITY DATE: 04/01/1926

POINT OF DIVERSION:

T04S R40E S31 Lot 7 SESE End of Stream Flow  
Within BINGHAM County

T04S R40E S31 Lot 7 SESESE  
Within BINGHAM County

T04S R40E S32 Lot 4 SWSW Begin of Stream Flow  
Within BINGHAM County

T05S R40E S4 SWSE  
Within CARIBOU County

T05S R40E S5 NESWNE  
Within CARIBOU County

~~T05S R40E S5 NENW~~  
~~Within CARIBOU County~~  
~~T05S R40E S5 NWNW~~

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

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~~Within CARIBOU County~~  
~~T05S R40E S6 NENE~~  
~~Within CARIBOU County~~  
~~T05S R40E S6 NWNE~~  
~~Within CARIBOU County~~  
~~T05S R40E S6 NENW~~  
~~Within CARIBOU County~~  
~~T05S R40E S6 NWNW~~  
~~Within CARIBOU County~~  
~~T05S R40E S11 NENWNW~~  
~~Within CARIBOU County~~

**PURPOSE AND  
PERIOD OF USE:**

Purpose of use:

Period of use:

Quantity:

STOCKWATER

04/01 11/30

0.020 CFS 9.70 AFY

**PLACE OF USE:**

STOCKWATER within BINGHAM County and CARIBOU County

T04S R40E S31 Lot 7 SESE

T04S R40E S32 Lot 4 SWSW

T05S R40E S04 SWSE

T05S R40E S05 SWNE



~~T05S R40E S05 NENW~~  
~~T05S R40E S05 NWNW~~  
~~T05S R40E S06 NENE~~  
~~T05S R40E S06 NWNE~~  
~~T05S R40E S06 NENW~~  
~~T05S R40E S06 NWNW~~  
~~T05S R40E S11 NWNW~~

**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 300 cow-calf pairs, 500 range cows, and 4000 sheep.

2000 SHEEP RP 061190 RP 009980 RP 0010000

## **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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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

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

R C RICH SHEEP CO.  
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THOMAS P. RICH  
592 N. 1089 E.  
JACKSON, ID 83350

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Signature of person or attorney mailing form