



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

May 4, 2010

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

*RE: SRBA Subcase Nos. 27-11728, 27-11729, 27-11730 & 27-11996
(Wixom)*

Dear Jeanette:

The Department has been in contact with Mr. Wixom. Accordingly, I am enclosing SF5s for the above-referenced subcases. Please review the documents, and if they are acceptable, please sign on the indicated signature lines and initial the revised recommendations. After signature, please return the original SF5s to me. I will obtain the remaining signature for 27-11996 and file the documents 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 THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 27-11728

STANDARD FORM 5
AMENDED CLAIM

STIPULATED ELEMENTS OF A
WATER RIGHT
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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

Shoshone-Bannock Tribes

 April 23 2010
Ken J. Wixom Date

Jeanette Wolfley
Attorney for Objector

Date

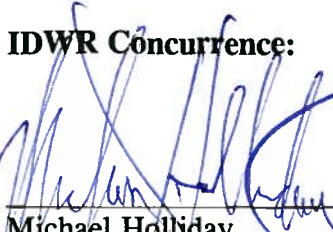
RESPONDENT:

State of Idaho


Shasta Kilminster-Hadley
Attorney for Respondent

5/3/10
Date

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

4/22/2010
Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

4/19/10
Date

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

RIGHT NUMBER: 27-11728
NAME AND ADDRESS: KEN J WIXOM
260 W 300 N
BLACKFOOT ID 83221

SOURCE: MENASSA CREEK
MINER CREEK
TRIBUTARY: MINER CREEK
TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
4.20 AFY

The rights listed below are limited to a total combined annual diversion volume of 4.2 AF. Combined Right Nos.: 27-11728, 27-11729, 27-11730, and 27-11996.

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

PRIORITY DATE: 05/29/1915

POINT OF
DIVERSION:

~~T03S R39E S18 SENENW End of Stream Flow Within BINGHAM County~~
T03S R39E S18 SENENW Begin of Stream Flow Within BINGHAM County
T03S R39E S18 NWSNW Lot 2 End of Stream Flow Within BINGHAM County
T03S R39E S18 ~~SE~~SENW Begin of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	04/25 12/31	0.020 CFS
	~~05/01 12/31~~	<u>4.20 AFY</u>

PLACE OF USE: STOCKWATER in BINGHAM County

T03S R39E S18	NENW	T03S R39E S18 Lot 1	NWNW
T03S R39E S18 Lot 2	SWNW	T03S R39E S18	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 450 range 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:

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

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

KEN J. WIXOM
260 W 300 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. 27-11729
	)	
Case No. 39576	)	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.

CLAIMANT:

OBJECTOR:

Shoshone-Bannock Tribes

Ken J. Wixom

Ken J. Wixom Date *April 23 2010*

Jeanette Wolfley Date
Attorney for Objector

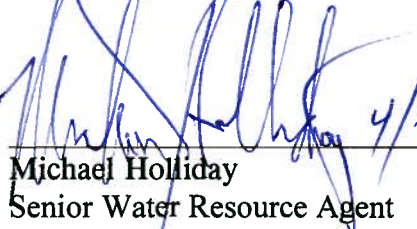
RESPONDENT:

State of Idaho



Shasta Kilminster-Hadley 5/3/10
Attorney for Respondent Date

IDWR Concurrence:



Michael Holliday 4/22/2010
Senior Water Resource Agent Date



Andrea L. Courtney 4/19/10
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 27-11729

NAME AND ADDRESS: KEN J WIXOM
260 W 300 N
BLACKFOOT ID 83221

AK

SOURCE: TRAIL CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
4.20 AFY

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 of 4.2 AF. Combined Right Nos.: 27-11728, 27-11729, 27-11730, and 27-11996.

PRIORITY DATE: 04/01/1914

POINT OF
DIVERSION:

T03S R39E S21 NWSWSE Begin of Stream Flow Within BINGHAM County
T03S R39E S28 NWNWNE End of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	~~04/01~~ <u>12/31</u>	0.020 CFS
	<u>04/25</u> <u>12/31</u>	<u>4.20 AFY</u>

MWK SKH
KW.

PLACE OF USE: STOCKWATER in BINGHAM County

T03S R39E S21 SWSE T03S R39E S28 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 450 range cattle.

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
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

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

KEN J. WIXOM
260 W 300 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. 27-11730
	)	
Case No. 39576	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	FOR DOMESTIC & STOCKWATER
	)	RIGHTS

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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.

CLAIMANT:

OBJECTOR:

Shoshone-Bannock Tribes

Ken J. Wixom *April*
March 23 2010
Ken J. Wixom Date

Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

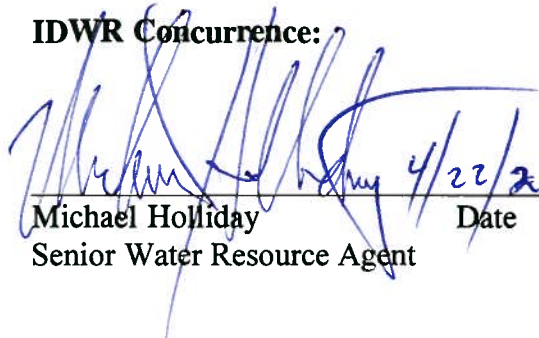
State of Idaho


Shasta Kilminster-Hadley
Attorney for Respondent

5/3/10

Date

IDWR Concurrence:


Michael Holliday
Senior Water Resource Agent

4/22/2010

Date


Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

4/19/10

Date

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

RIGHT NUMBER: 27-11730
NAME AND ADDRESS: KEN J WIXOM
260 W 300 N
BLACKFOOT ID 83221

SOURCE: RAWLINS CREEK TRIBUTARY: BRUSH CREEK
BLACKFOOT RIVER

QUANTITY: 0.020 CFS
4.20 AFY

The rights listed below are limited to a total combined annual diversion volume of 4.2 AF. Combined Right Nos.: 27-11728, 27-11729, 27-11730, and 27-11996.

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

PRIORITY DATE: 01/01/1916

POINT OF
DIVERSION:

T03S R39E S15 SESWNE ~~End of Stream Flow~~ Within BINGHAM County
~~T03S R39E S15 NESWNE Begin of Stream Flow~~ Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	~~05/01 12/31~~	0.020 CFS
	<u>04/25 12/31</u>	<u>4.20 AFY</u>

PLACE OF USE: STOCKWATER in BINGHAM County
T03S R39E S15 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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~~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 450 range cattle.

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KEN J. WIXOM
260 W 300 N
BLACKFOOT, ID 83221

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In Re SRBA	)	Subcase No. 27-11996
	)	
Case No. 39576	)	STANDARD FORM 5
	)	<u>AMENDED CLAIM</u>
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	FOR DOMESTIC & STOCKWATER
_____	)	RIGHTS

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CLAIMANT:

Ker J. Wixom *April 23 2010*
Ker J. Wixom Date

OBJECTOR(s):

Shoshone-Bannock Tribes

Bureau of Land Management

Jeanette Wolfley Date
Attorney for Objector

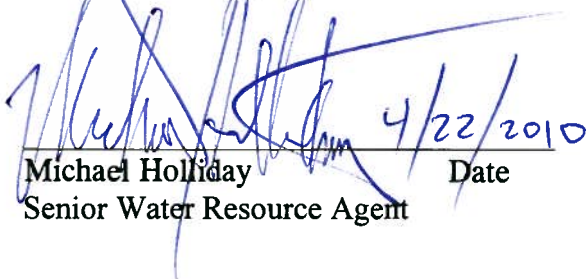
David L. Negri, USDOJ Date
Attorney for Objector

RESPONDENT:

State of Idaho

 _____ 5/3/10
Shasta Kilminster-Hadley Date
Attorney for Respondent

IDWR Concurrence:

 _____ 4/22/2010
Michael Holliday Date
Senior Water Resource Agent

 _____ 4/19/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11996
NAME AND ADDRESS: KEN J WIXOM
260 WEST 300 N
BLACKFOOT ID 83221

AK
MWA
KW
SKH

SOURCE: BLACKFOOT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.020 CFS
4.20 AFY

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

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PRIORITY DATE: 05/29/1915

POINT OF
DIVERSION:

T03S R38E S13 NWSE Lot 8 End of Stream Flow Within BINGHAM County
~~T03S R38E S13 SESWNE End of Stream Flow Within BINGHAM County~~
T03S R39E S19 SESENEW Begin of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE:	PERIOD OF USE:	QUANTITY:
STOCKWATER	~~05/01 12/31~~	0.020 CFS
	<u>04/25 12/31</u>	<u>4.20 AFY</u>

PLACE OF USE: STOCKWATER in BINGHAM County

T03S R38E S13 <u>Lot 8</u> NWSE	T03S R38E S13 <u>Lot 9</u> SWSE
T03S R38E S24 <u>Lot 5</u> NWNE	T03S R38E S24 <u>Lot 6</u> SWNE
T03S R38E S24 <u>Lot 6</u> SENE	T03S R39E S19 <u>Lot 2</u> SWNW
T03S R39E S19 SENW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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AK

MWA

SKH

K.W.

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

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

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

KEN J. WIXOM
260 W 300 N
BLACKFOOT, ID 83221

Signature of person or attorney mailing the form