

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 26 2010

By _____ Clerk _____

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. 27-11728

Case No. 39576

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:

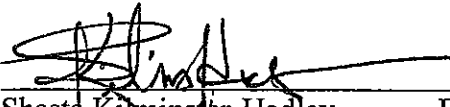
Shoshone-Bannock Tribes

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

Jeanette Wolfley 5/20/10
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

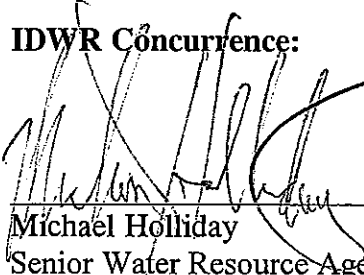
State of Idaho


Shasta Kibminster-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:

ju MWH *AKW* *SKH*
~~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 NWSWNW Lot 2 End of Stream Flow Within BINGHAM County
T03S R39E S18 SESENW 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	<u>Lot 1</u> NWNW
T03S R39E S18	<u>Lot 2</u> 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 May 25, 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

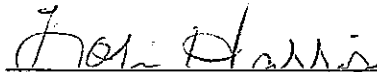
2. Copies to:

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