



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

July 26, 2010

Peter C. Monson
Environment & Natural Resource Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, CO 80294

RE: SRBA Subcase No. 27-45 (Hunsaker Ranching, Inc.)

Dear Peter:

Pursuant to your e-mail of July 26, 2010, I am enclosing a Standard Form 5 ("SF5") for the above-referenced water right. Please sign on the SF5 on the indicated signature line, initial the revised recommendation and forward the original SF5 to Jeanette Wolfley for signature. Please ask Jeanette to forward the original document to me after she executes it, and I will obtain the remaining signatures.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in blue ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 27-45
	)	
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, which reflects no changes to the Director's Report currently on file with the SRBA Court. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/RESPONDENT:
Hunsaker Ranching, Inc.

OBJECTOR:
Shoshone-Bannock Tribes

By: Date
Title:

Jeanette Wolfley Date
Attorney for Objector

STANDARD FORM 5 – Water Right No. 27-45

OBJECTOR:

Bureau of Indian Affairs

Peter C. Monson Date
Attorney for Objector

RESPONDENTS:

State of Idaho

Committee of Nine

Shasta Kilminster-Hadley
Attorney for Respondent

Jerry R. Rigby
Attorney for Respondent

IDWR Concurrence:

Michael Holliday Date
Senior Water Resource Agent

 7/26/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-45

NAME AND ADDRESS: HUNSAKER RANCHING INC
3804 BLACKFOOT RIVER RD
PO BOX 324
SODA SPRINGS ID 83276

SOURCE: BLACKFOOT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.080 CFS
372.00 AFY

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 11/01/1886

After July 1 of each year, this water right is subordinated to all water
rights with a priority date earlier than June 28, 1983.

POINT OF
DIVERSION:

T07S R43E S25 NENENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	06/01 08/15	4.080 CFS 372.00 AFY
PLACE OF USE:	<u>IRRIGATION in CARIBOU County</u>		
	T07S R43E S25 NENE 19.00	T07S R43E S25 NWNE	3.60
	T07S R43E S25 SWNE 32.00	T07S R43E S25 SENE	6.60
	T07S R43E S25 SWNW 6.10	T07S R43E S25 SENW	17.00
	T07S R43E S25 NESW 21.00	T07S R43E S25 NWSW	7.00
	T07S R43E S25 NWSE 22.00		

134.3 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 - Decreed

Use of water under this right will be regulated by a watermaster with
responsibility for the distribution of water among appropriators within a
water district. At the time of this approval, this water right is within State
Water District No. 27.

Failure of the right holder to comply with the conditions of transfer 73162 is
cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by transfer 73162
by June 11, 2010.

The right holder shall maintain a measuring device and lockable controlling
works of a type approved by the Department in a manner that will provide
the watermaster suitable control of the diversion(s).

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:

COMMITTEE OF NINE
Represented by:
BARKER, ROSHOLT & SIMPSON, LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

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

COMMITTEE OF NINE
Represented by:
JERRY R. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

U.S. BUREAU OF INDIAN AFFAIRS
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC O33
BOISE, ID 83724

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

HUNSAKER RANCHING, INC.
3804 BLACKFOOT RIVER RD.
P.O. BOX 324
SODA SPRINGS, ID 83276

Signature of person or attorney mailing the form