

RECEIVED
AUG 12 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 11 2010	
By _____	Clerk Deputy 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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION REGARDING
	)	CORRECTION TO PARTIAL DECREE
Case No. 39576	)	
	)	WATER RIGHT NOS.: 27-12019, 27-12020,
	)	27-12021, 27-12022, 27-12023, 27-12025,
	)	27-12026

I. PROCEDURAL BACKGROUND

The SRBA District Court issued an *Order of Partial Decree* for each of the above listed water rights on December 11, 2007. On November 18, 2008, IDWR sent a letter to the Court explaining that it had reviewed its recommendations in Basin 27 and identified these subcases as having errors in the *Director's Reports* which carried over in the *Partial Decrees*. The letter provided additional information about the necessary correction and asked the Court to set aside theses *Partial Decrees*. The letter was served on the parties to the subcases. Presiding Judge John Melanson issued an *Order of Reference Appointing Special Master Brigitte Bilyeu*. Hearings were held on January 30, 2009, June 5, 2009, July 10, 2009, and January 6, 2010.

II. FINDINGS OF FACT

At the hearing on January 30, 2009, IDWR proposed that it be allowed to either circulate an *Amended Standard Form 5* or file an *Amended Director's Report* to correct the *Partial Decree*. At the hearing on January 6, 2010, IDWR informed the Court that it had mailed *Amended Standard Forms 5* to the Claimant. IDWR reported that it had no contact with the Claimant and had not received the signed *Standard Forms 5*. The Court issued an *Order to Show Cause*. A hearing was held on June 16, 2010. The claimant, Jougland Sheep Co. Inc. was present

at the hearing and informed the Court that it had no opposition to the *Amended Standard Forms 5*.

A *Partial Decree* should accurately describe a water right. Therefore, it is appropriate that the SRBA District Court set aside the *Partial Decree* and enter *Amended Partial Decrees* consistent with the proposed *Amended Standard Forms 5* attached to the *Orders to Show Cause*.

III. CONCLUSIONS AND RECOMMENDATIONS

Therefore, based on the file and record herein, IT IS RECOMMENDED that the *Partial Decrees* be set aside and that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendation for Amended Partial Decrees*.

Dated: August 11, 2010.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

AUG 11 2010

In Re SRBA)
Case No. 39576)

AMENDED
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12019

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: TRAIL CREEK

QUANTITY: 0.02 CFS
1.00 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, AND 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S19 NENESW (Instream Beginning Point) Within Caribou County
S20 NENWNE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 1.00 AFY

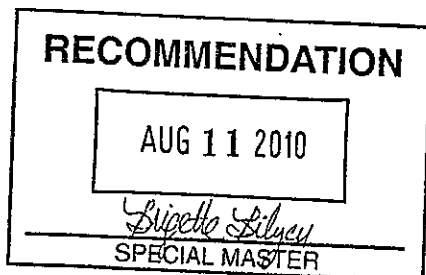
PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S19	NENE NWNE SENE
	S20	NESW NWNE NENW NWNW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

AUG 11 2010

By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 27-12020

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAMS TRIBUTARY: TRAIL CREEK

QUANTITY: 0.02 CFS
2.10 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021, 27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S15 SENWSW (Instream Beginning Point) Within Caribou County
S21 SWSWSW (Instream Ending Point)
SENENE (Instream Beginning Point)
NENENE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS
			2.10 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S15	NWSW
	S21	NENE

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

AUG 11 2010

Bridgette Lilley
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)

Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12021

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 11 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.02 CFS
2.10 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S34 NWSWE (Instream Beginning Point) Within Caribou County
NESESE (Instream Ending Point)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS
			2.10 AFY

PLACE OF USE: Stockwater Within Caribou County
T08S R43E S34 SWSE SESE

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
AUG 11 2010
<i>Ligette Lilley</i> SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 27-12022

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 11 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
1.30 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S03 NWSWNW (Instream Ending Point) Within Caribou County
SESWSW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 1.30 AFY

PLACE OF USE: Stockwater Within Caribou County
T08S R43E S03 SWNW
SWSW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
AUG 11 2010
<i>Steph S. Silvey</i> SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

AUG 11 2010

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12023

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAM TRIBUTARY: JOHNSON CREEK

QUANTITY: 0.02 CFS
1.00 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S27 NWSWSE (Instream Beginning Point) Within Caribou County
NESESE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 1.00 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S27	NESE NWSE SESE

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
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RECOMMENDATION

AUG 11 2010

Bigella Lilley
SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 27-12025

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 11 2010
By _____ Clerk Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: UNNAMED STREAMS TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
1.00 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S14 SWSWNW (Instream Beginning Point) Within Caribou County
S23 NESWNW (Instream Ending Point)
NENENW (Instream Ending Point)
SNNWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-31	0.02 CFS 1.00 AFY

PLACE OF USE:	Stockwater	Within Caribou County
	T08S R43E S14 S23	SNNW NENW 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
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ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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RECOMMENDATION
AUG 11 2010
<i>Bigelle Silvey</i> SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

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

AUG 11 2010

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 27-12026

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: JOUGLARD SHEEP CO INC
PO BOX 245
RUPERT, ID 83350

SOURCE: TRAIL CREEK TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.02 CFS
0.94 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 9.7 af for stockwater. Combined Right Nos.:
27-2080A, 27-2080B, 27-12018, 27-12019, 27-12020, 27-12021,
27-12022, 27-12023, 27-12024, 27-12025, 27-12026, and 27-12144.

PRIORITY DATE: 04/01/1946

POINT OF DIVERSION: T08S R43E S09 NENWNW (Instream Ending Point) Within Caribou County
SESWNW (Instream Beginning Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-15 TO 10-15	0.02 CFS 0.94 AFY

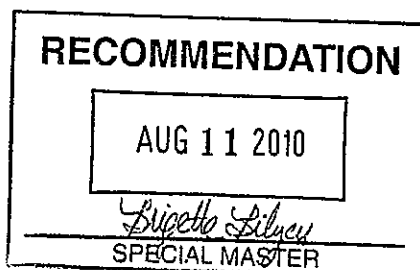
PLACE OF USE: Stockwater Within Caribou County
T08S R43E S09 NWNW SWNW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
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judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 11 2010
By _____ Clerk Deputy 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)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 27-12019
27-12020 27-12021 27-12022
27-12023 27-12025 27-12026

On August 11, 2010, Special Master BRIGETTE BILYEU
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED August 11, 2010.


JANET CONNELL
Deputy Clerk

RECEIVED

AUG 12 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 11 2010	
By _____	Clerk Deputy 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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 27-12019
27-12020 27-12021 27-12022
27-12023 27-12025 27-12026

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 11, 2010, with sufficient first-class postage prepaid to the following:

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

SHOSHONE-BANNOCK TRIBES

Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N ARTHUR
POCATELLO, ID 83202
Phone: 208-232-1922

CERTIFICATE OF MAILING

PAGE 1
08/11/10

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

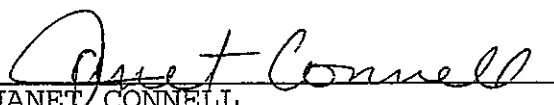
BOISE, ID 83711-4449

JOUGLARD SHEEP CO INC

PO BOX 245

RUPERT, ID 83350

Phone: 208-436-4221


JANET CONNELL
Deputy Clerk