



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

October 22, 2010

Randy Budge
201 E. Center Street
P.O. Box 1391
Pocatello, ID 83204-1391

RE: SRBA Subcase Nos. 27-76 & 27-11317 (Hubbard)

Dear Randy:

I am enclosing a *Stipulation to Resolve Objection* for each of the above-referenced water rights. If the *Stipulations* are acceptable, please sign on the indicated signature lines, initial the revised recommendations and return the originals to me. I will obtain the remaining signatures and file the *Stipulations* with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

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

Ray Williams
Paralegal

Enclosures

OCT 18 2010

Department of Water Resources
Eastern Region

**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. 27-76
	)	
Case No. 39576	)	
	)	STIPULATION TO RESOLVE
	)	OBJECTIONS
_____	)	

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 claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the objections to the quantity of the stockwater component of this water right to the Director's Report. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribes concerning an annual irrigation diversion volume and the period of use, and the Bureau of Indian Affairs' objections concerning an annual irrigation diversion volume are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT:

Alma A. Hubbard

_____ Randall C. Budge Attorney for Claimant	_____ Date
--	---------------

OBJECTORS:

Peter C. Monson, USDOJ Date
Attorney for BIA

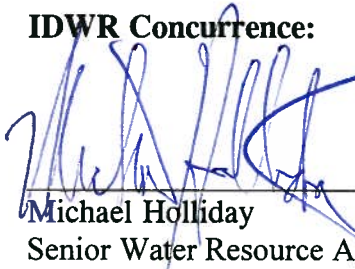
Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

RESPONDENTS:

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

 _____
Michael Holliday 10/19/2010
Senior Water Resource Agent Date

 _____
Andrea L. Courtney 10/14/10
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 27-76

NAME AND ADDRESS:

ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

SOURCE:

Source:
MEADOW CREEK

Tributary:
BLACKFOOT RESERVOIR

QUANTITY:

2.340 CFS

~~4.420 CFS~~

PRIORITY DATE: 01/01/1891

POINT OF DIVERSION:

T05S R42E S10 NWNESE
Within CARIBOU County

T05S R42E S10 SWNESE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 07/01

2.340 CFS

~~4.420 CFS~~

PLACE OF USE:

IRRIGATION within CARIBOU County

T05S R42E S10 NESE 31.0

T05S R42E S10 SESE 18.0

T05S R42E S11 NWSW 16.0

T05S R42E S11 SWSW 28.0

T05S R42E S14 NWNW 8.8

T05S R42E S15 NENE 15.0

~~T05S R42E S11 NWSW 32.0~~

~~T05S R42E S11 SWSW 39.0~~

~~T05S R42E S11 SESW 16.0~~

~~T05S R42E S14 NWNE 2.0~~

~~T05S R42E S14 SWNE 0.3~~

~~T05S R42E S14 NENW 33.0~~

~~T05S R42E S14 NWNW 35.0~~

~~T05S R42E S14 SWNW 2.5~~

~~T05S R42E S14 SENW 1.0~~

~~T05S R42E S15 NENE 11.0~~

116.8 ACRES TOTAL

~~220.8 ACRES TOTAL~~

Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 116.8 acres in a single irrigation season.

~~Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 220.8 acres in a single irrigation season.~~

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

AK

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 remainder of this right was forfeited for non-use from 1978 to 1989.

~~The remainder of this right was forfeited for non-use from 1977 to 2004.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

mm/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:

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

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

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

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

ALMA A. HUBBARD
Represented by:
RANDALL C. BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

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

Signature of person or attorney mailing the form

OCT 18 2010

Department of Water Resources
Eastern Region

**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. 27-11317
	)	
Case No. 39576	)	AMENDED
	)	STIPULATION TO RESOLVE
	)	OBJECTIONS
	)	

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 claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached and that this stipulation resolves the objections to the quantity of the stockwater component of this water right, and the BLM's objection to the place of use element, to the Director's Report. **The parties and IDWR acknowledge that the objections to the Director's Report filed by the Shoshone-Bannock Tribes concerning an annual irrigation diversion volume and the period of use, and the Bureau of Indian Affairs' objections concerning an annual irrigation diversion volume are still outstanding.** The parties and IDWR have further indicated their concurrence by initialing the attached page.

CLAIMANT:

Alma A. Hubbard

_____ Randall C. Budge	_____ Date
Attorney for Claimant	

OBJECTORS:

Peter C. Monson, USDOJ Date
Attorney for BIA

Jeanette Wolfley Date
Attorney for Shoshone-Bannock Tribes

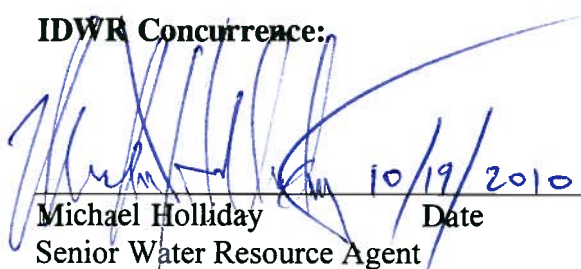
David L. Negri, USDOJ Date
Attorney for BLM

RESPONDENTS:

Shasta Kilminster-Hadley Date
Attorney for State of Idaho

Jerry R. Rigby Date
Attorney for Committee of Nine

IDWR Concurrence:

 10/19/2010

Michael Holliday Date
Senior Water Resource Agent

 10/14/10

Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-11317

NAME AND ADDRESS:

ALMA A HUBBARD
PO BOX 341
GRACE ID 83241

AK

SOURCE:

Source:
CHUBB SPRINGS

Tributary:
MEADOW CREEK

M/K

Source:
JARVIS SPRING

Tributary:
MEADOW CREEK
SINKS

Source:
WILLOW SPRING

Tributary:
MEADOW CREEK
SINKS

QUANTITY: 2.400 CFS

~~4.580 CFS~~

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined annual diversion volume of 5.1 AF for stockwater. Combined Right Nos.: 27-11317, 27-11318, and 27-12171.

PRIORITY DATE: 04/15/1929
~~04/01/1934~~

POINT OF DIVERSION:

T05S R42E S10 SWSENE
Within CARIBOU County

T05S R42E S10 NENESE
Within CARIBOU County

~~T05S R42E S11 SESWNW~~
~~Within CARIBOU County~~

T05S R42E S11 SWNESW
Within CARIBOU County

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

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/31

2.340 CFS

~~04/01 10/30~~

~~4.420 CFS~~

STOCKWATER

04/15 12/01

0.020 CFS 5.10 AFY

~~01/01 12/31~~

~~0.120 CFS~~

DOMESTIC

01/01 12/31

0.040 CFS

Domestic use is for 1 home.

AK

PLACE OF USE:

IRRIGATION within CARIBOU County

T05S R42E S10 NESE 31.0

~~T05S R42E S10 SENE 0.5~~

T05S R42E S10 SESE 18.0

~~T05S R42E S10 NESE 31.2~~

T05S R42E S11 NWSW 16.0

~~T05S R42E S10 SESE 17.5~~

T05S R42E S11 SWSW 28.0

~~T05S R42E S11 NWSW 31.5~~

T05S R42E S14 NWNW 8.8

~~T05S R42E S11 SWSW 38.8~~

T05S R42E S15 NENE 15.0

~~T05S R42E S11 SESE 17.1~~

~~T05S R42E S14 NWNE 2.0~~

~~T05S R42E S14 SWNE 0.3~~

~~T05S R42E S14 NENW 33.0~~

~~T05S R42E S14 NWNW 35.0~~

~~T05S R42E S14 SWNW 2.5~~

~~T05S R42E S14 SENW 1.0~~

~~T05S R42E S15 NENE 10.6~~

STOCKWATER within CARIBOU County

T05S R42E S10 NESE

T05S R42E S10 SESE

T05S R42E S11 NWSW

T05S R42E S11 SWSW

T05S R42E S14 NWNW

~~T05S R42E S14 NENW~~

T05S R42E S15 NENE

~~T05S R42E S14 SWNW~~

~~T05S R42E S14 SENW~~

~~T05S R42E S14 NESW~~

~~T05S R42E S14 NWSW~~

~~T05S R42E S14 SWSW~~

~~T05S R42E S14 SESE~~

~~T05S R42E S23 NWNW~~

DOMESTIC within CARIBOU County

T05S R42E S11 SWSW

116.8 ACRES TOTAL

221 ACRES TOTAL

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

Right Nos. 27-76 and 27-11317 are limited to the irrigation of a combined total of 116.8 acres in a single irrigation season.

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 for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 350 cow/calf pairs and 14 bulls.

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

CERTIFICATE OF MAILING

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JERRY R. RIGBY
25 N 2ND E
P.O. BOX 250
REXBURG, ID 83440-0250

Signature of person or attorney mailing the form