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DEPARTMENT OF  
WATER RESOURCES

12-1  
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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             |
| _____          | ) |                        |

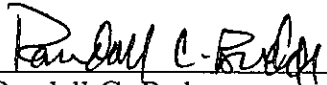
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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.

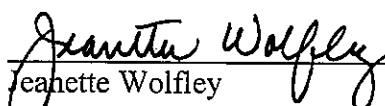
**CLAIMANT:**

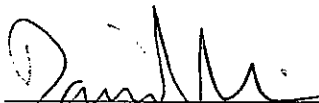
Alma A. Hubbard

 10/29/10  
Randall C. Budge      Date  
Attorney for Claimant

**OBJECTORS:**

 12/2/2010  
Peter C. Monson, USDOJ Date  
Attorney for BIA

 11/22/10  
Jeanette Wolfley Date  
Attorney for Shoshone-Bannock Tribes

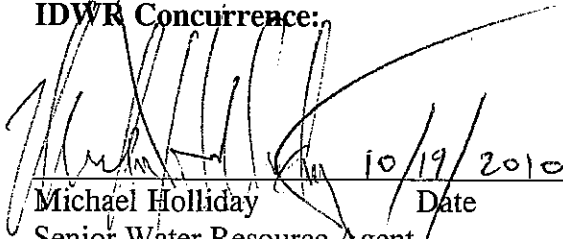
 12/8/10  
David L. Negri, USDOJ Date  
Attorney for BLM

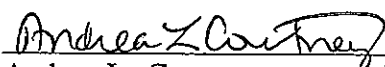
**RESPONDENTS:**

 11/6/10  
Shasta Kilminster-Hadley Date  
Attorney for State of Idaho

 11-29-10  
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

AKZ

SOURCE:

Source:  
CHUBB SPRINGS

Tributary:  
MEADOW CREEK

MND

Source:  
JARVIS SPRING

Tributary:  
MEADOW CREEK  
SINKS

DCM

REB

Source:  
WILLOW SPRING

Tributary:  
MEADOW CREEK  
SINKS

SKH

JW

RE  
DN

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 SWSNE  
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.

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

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 S15 NENE

DOMESTIC within CARIBOU County

T05S R42E S11 SWSW

116.8 ACRES TOTAL

~~T05S R42E S10 SESE 0.5~~

~~T05S R42E S10 NESE 31.2~~

~~T05S R42E S10 SESE 17.5~~

~~T05S R42E S11 NWSW 31.5~~

~~T05S R42E S11 SWSW 38.8~~

~~T05S R42E S11 SESE 17.1~~

~~T05S R42E S14 NWNW 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~~

~~T05S R42E S14 NENW~~

~~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~~

*ATC PUB*

*SKH*

*JW*

*MWA*

*DV*

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

AM

PUB

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.

JR

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.~~

JW

MWB

SKA

DN

## CERTIFICATE OF MAILING

I certify that on 12/9, 2010 mailed the original and copies of this form, including all attachments, 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. Copy to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

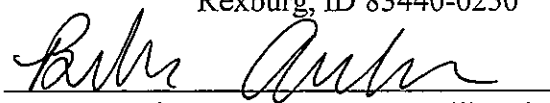
3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice  
Environment and Natural Resources Division  
General Litigation Section  
550 West Fort Street, MSC 033  
Boise, Idaho 83724

Alama A. Hubbard  
Represented by:  
Randall C. Budge  
P.O. Box 1391  
201 East Center, STE A2  
Pocatello, Idaho 83204-1391

Jeanette Wolfley  
Special Counsel  
Shoshone-Bannock Tribe  
202 N. Arthur  
Pocatello, Idaho 83204-1391

Committee of Nine  
Represented by:  
Jerry R. Rigby  
25 N. 2<sup>nd</sup> E.  
PO Box 250  
Rexburg, ID 83440-0250

  
Signature of person or attorney mailing the form