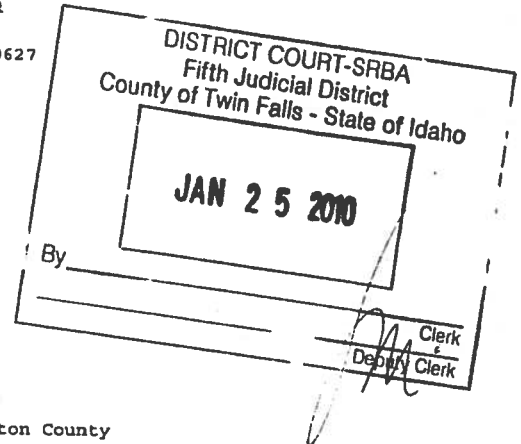


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

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

Water Right 22-00627



NAME AND ADDRESS: THE MINGO TRIBAL PRESERVATION
TRUST
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

SOURCE: MILK CREEK TRIBUTARY: SINKS

QUANTITY: 3.29 CFS

PRIORITY DATE: 04/23/1894

POINT OF DIVERSION: T06N R43E S36 SESWNE Within Teton County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	3.29 CFS

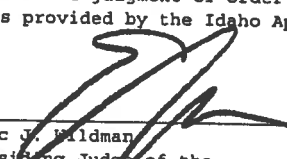
PLACE OF USE:	Irrigation	Within Teton County
	T05N R44E S06 LOT 2 (NWNE) 1.3	LOT 3 (NENW) 9.3
	T06N R44E S30 LOT 4 (SWSW) 4.7	
	S31 NENW 40.0	LOT 1 (NWNW) 21.0
	LOT 2 (SWNW) 11.0	SENW 36.0
	NESW 18.0	SESW 12.0
	153.3 Acres Total	

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. 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

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

RIGHT NUMBER: 22-627

NAME AND ADDRESS: THE MINGO TRIBAL PRESERVATION TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: MILK CREEK

TRIBUTARY: SINKS

QUANTITY: 3.290 CFS

PRIORITY DATE: 04/23/1894

POINT OF
DIVERSION:

T06N R43E S36 SESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		04/15 10/31		3.290 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>				
	T05N R44E S06 Lot 2 NWNE	1.30	T05N R44E S06 Lot 3 NENW	9.30	
	T06N R44E S30 Lot 4 SWSW	4.70	T06N R44E S31 NENW	40.00	
	T06N R44E S31 Lot 1 NWNW	21.00	T06N R44E S31 Lot 2 SWNW	11.00	
	T06N R44E S31 SENW	36.00	T06N R44E S31 NESW	18.00	
	T06N R44E S31 SESW	12.00			

153.3 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

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

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

Created By:

Denise Kidman:

Date: 1-26-08

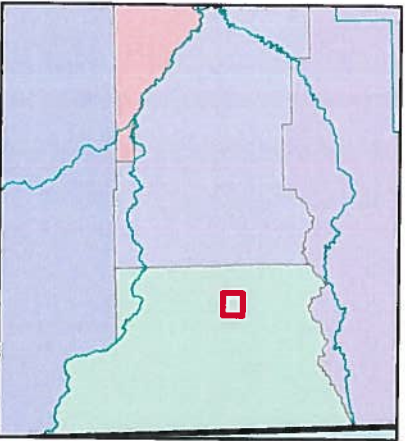
Idaho Department of Water Resources



SRBA Recommendation
22-627
(IRRIGATION)

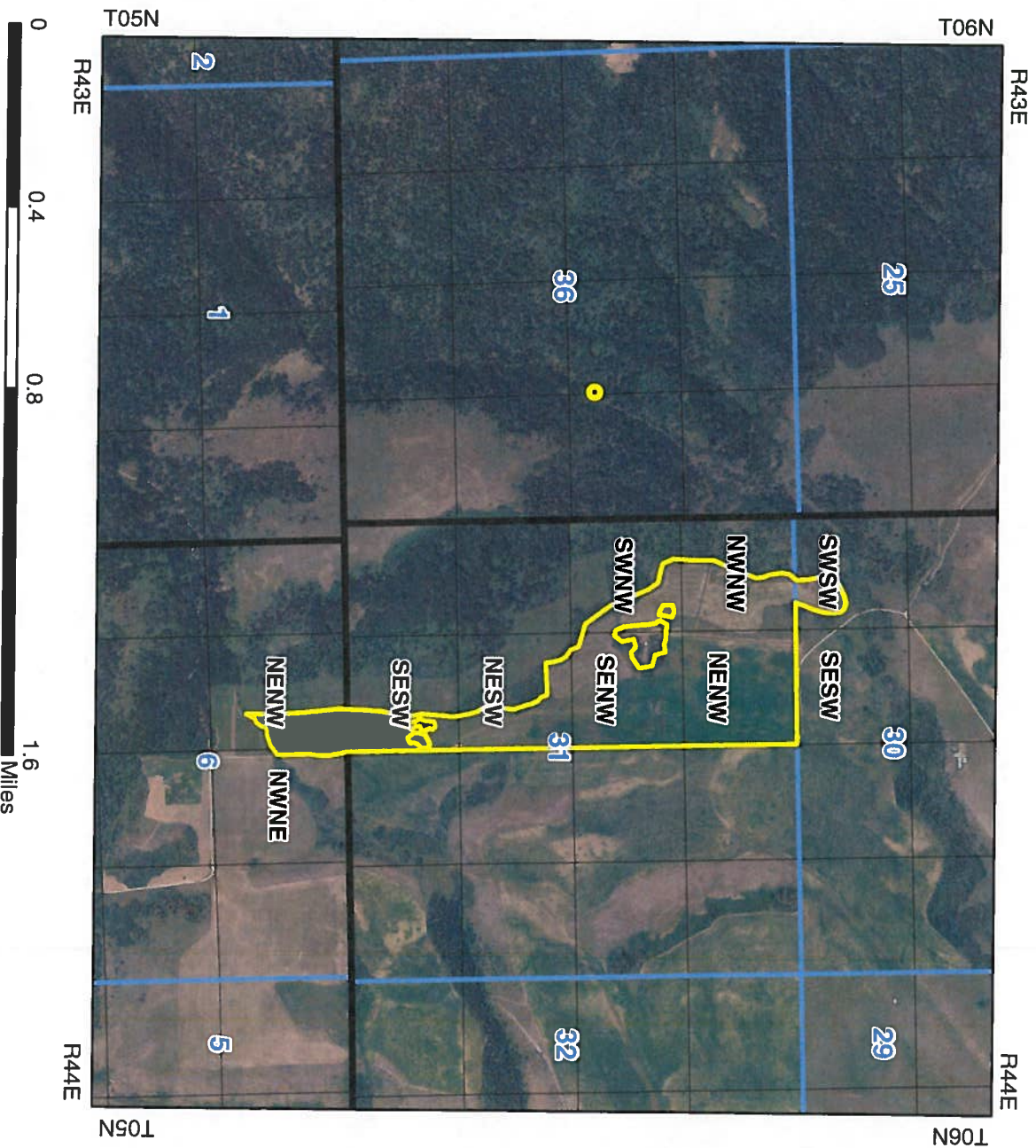
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Denise Kidman
 On January 26, 2009
 2004 Aerial Photography



01/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-627

NAME AND ADDRESS: THE MINGO TRIBAL PRESERVATION TRUST
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: MILK CREEK

TRIBUTARY: SINKS

QUANTITY: 2.550 CFS

PRIORITY DATE: 04/23/1894

POINT OF DIVERSION:

T06N R43E S36 SESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
2.550 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R44E S31	NENW	40.0	T06N R44E S31 Lot 1	NWNW	24.0
T06N R44E S31 Lot 2	SWNW	12.0	T06N R44E S31	SENW	35.0
T06N R44E S31	NESW	16.0	T06N R44E S31	SESW	0.5

127.5 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: Decreed

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

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



Idaho Department of Water Resources

MEMORANDUM

File: 22-627 Mingo Tribal Preservation Trust
Date: August 19, 2008
Subject: Initial Hearing Part 2 Summary
Memo #2

Rob Harris provided a shapefile for the above subcase. The shapefile required some changes to remove bushy vegetation that is not irrigated. The cfs will be increased proportionately to the acres.

The new shapefile contains roughly 153.9 acres:

	<u>Lot</u>	<u>Acres</u>
T06N R44E SEC 30 SWSW	Lot 4	4.7
T06N R44E SEC 31 NENW		40
T06N R44E SEC 31 NWNW		21
T06N R44E SEC 31 SWNW	Lot 2	11
T06N R44E SEC 31 SENW		36
T06N R44E SEC 31 NESW		18
T06N R44E SEC 31 SESW		12
T05N R44E SEC 6 NENW	Lot 3	9.3
T05N R44E SEC 6 NWNE	Lot 2	<u>1.3</u>
		153.3 acres

(153.3 acres X 0.02 cfs = 3.29 cfs)

The new shapefile was sent to Rob Harris and he forwarded it to the claimant.

Rob Harris is filing an amended claim to add the 4.5 acres in lot 4. Once that is filed, an ADR can be sent out.

10/23/08 Sent layout to Rob Harris
11/20/08 Rob sent layout to client
1/08/09 Amended claim doesn't show up on court webpage
1/12/09 Amended claim is on court webpage
1/26/09 Rob called, go ahead with ADR

From the desk of Denise Kidman

RECEIVED
JUL 23 2007
DEPARTMENT OF
TERRACE RESOURCES
COPY

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

A. Subcase 22-627

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Mingo Tribal Preservation Trust

Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

Daytime Phone: 208-523-0620

Name & Address of Attorney, if any:

Kent W. Foster & Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Mingo Tribal Preservation Trust

Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405-0130

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Should be increased to be commensurate with the increased place of use acreage
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 172 acres – See attached tax assessment notice from Teton County

10. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

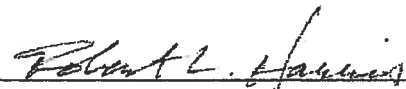
E. REASONS SUPPORTING OBJECTION(S): _____

VERIFICATION (Must be Completed)

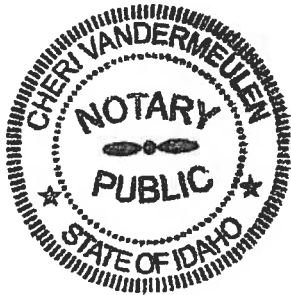
State of Idaho)
)ss.
County of Bonneville)

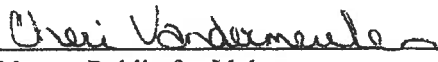
Robert L. Harris, duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Robert L. Harris, Attorney

Subscribed and sworn to before me this 19th day of July, 2007.




Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 1009

G.

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of July, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

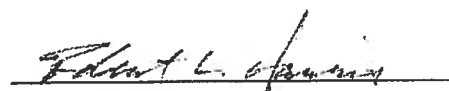
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Robert L. Harris

G:\WPDATA\AKWF4887\005 MINGO TRUST\Objection, 22-627.wpd

Jul 18 07 04:37p

Jess Horton

020 200 1499

p.2

TETON COUNTY ASSESSOR
 DENNY THOMAS
 391 MAIN ST
 BRIGGS ID 83422

2005

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
 DO NOT PAY.

PARCEL DESCRIPTION:

LOTS 1 & 2, 5244
 SEC 31 T5N R44E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 354-3307

PARCEL ADDRESS:

RINGO TRIBAL PRESERVATION TRST

PO BOX 9176
 JACKSON

WY 83002

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

JUNE 27, 2006

Tax Code Area:

14-0000

Parcel Number:

AP 00044-312400 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	172.000 AC	47,372	47,372
5 DRY GRAZING	67.400 AC	2,494	2,494
SUBTOTAL:	239.400	49,866	49,866
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		49,866	49,866

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY			208 354 2905	03/22/0005
CH DIST 401			208 354 2207	05/13/2005
EM HADEN				NOT REQUESTED
IRE PROTECTION			208 354 2750	03/25/2005
LIBRARY			208 747 2201	03/06/2005
AMBULANCE				NO RESPONSE
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.



Idaho Department of Water Resources

MEMORANDUM

File: 22-627 Mingo Tribal Preservation Trust
Date: August 19, 2008
Subject: Initial Hearing Part 2 Summary

Objection:

Quantity- Should be increased to be commensurate with the increased place of use acreage

Place of Use- 172 acres, Teton tax assessment notice states 172 acres

Amended claim shows:

T06N R44E SEC 31 SESW claimed 20.5 acres

Recommended 0.5

T05N R44E SEC 6 NENW claimed 26.8 acres

Recommended 0 acres

The difference in acreage was due to the maps that accompanied claim.

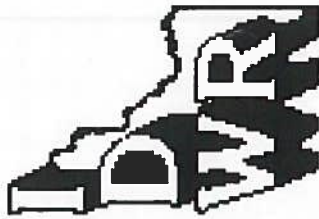
* Rob Harris will file motion to amend claim to add about 4.6 acres in Sec 30 Lot 4.
He will generate shape file, should be around 160 acres.

Ernie agrees to 3.2 cfs for about 160 acres.

22-12195 water right for Echo Ranch in Sec 6 for stockwater. Decreed 8-20-1999.

Asked Rob if Echo had agreement with Mingo to run cattle on land. Rob Harris may need to do a change of ownership for 22-12195, he is checking with client.

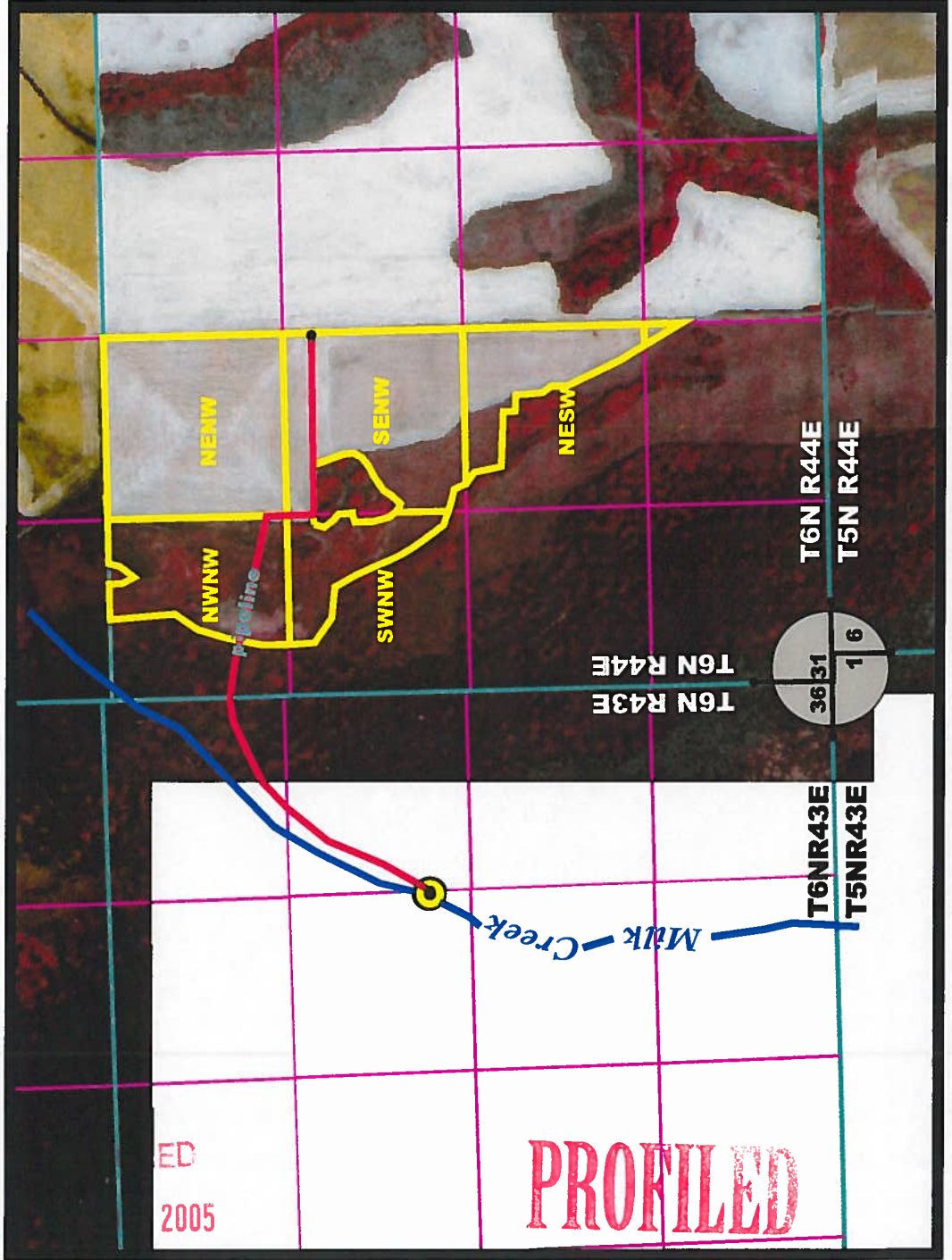
ADR can be done when Rob Harris gets info to us.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-00627

Point(s) of Diversion:

T6N, R43E

Sec. 36 SESWNE

Place of Use: (parts of)

T6N, R44E

Sec. 31 NW, E2SW

LEGEND



Point of Diversion



SESE
Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005

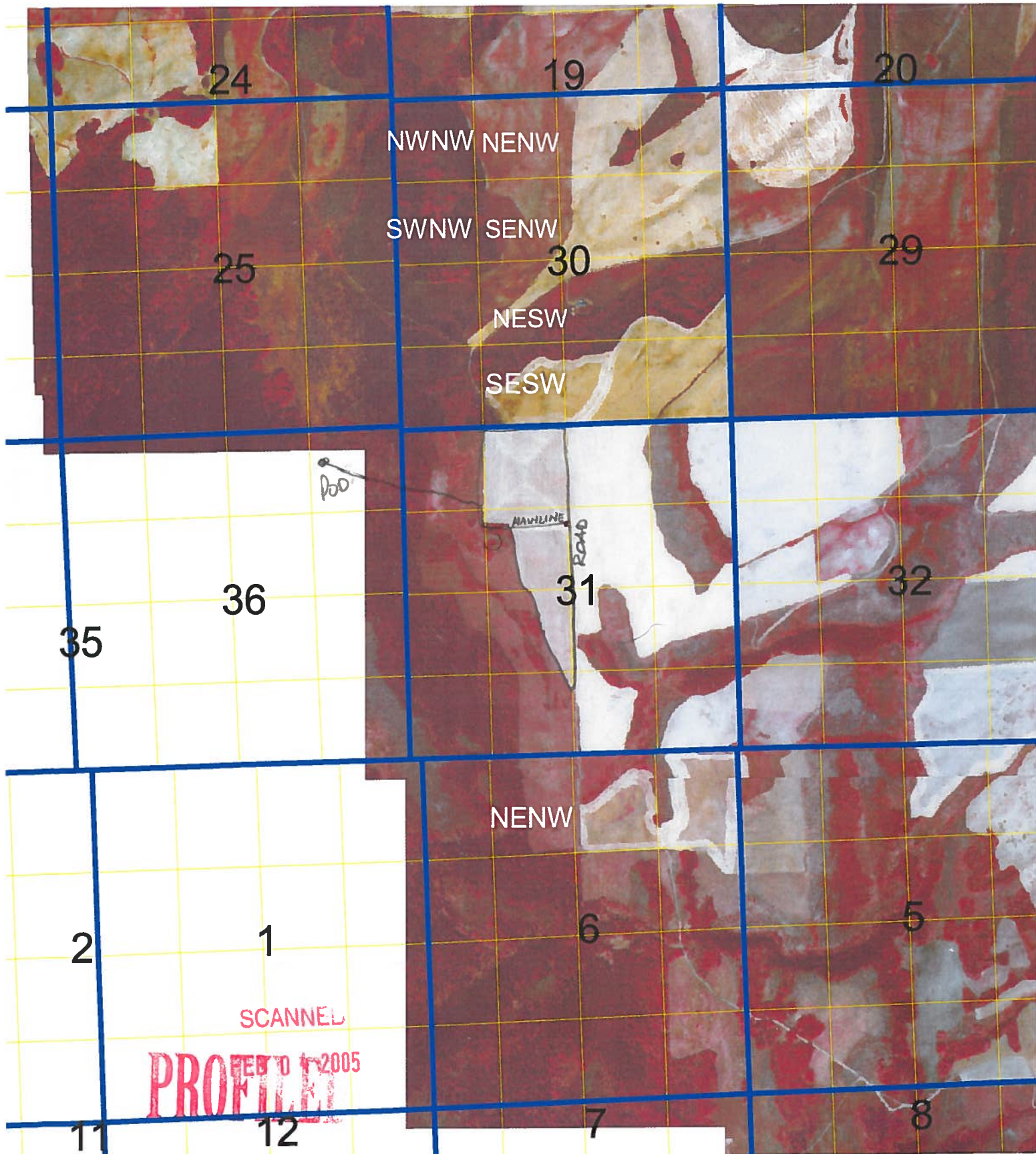
500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 Feet

22-627

5N 44E 6

6N 44E 30

9/16/04 ABL



Milk Creek

T6NR43E
T5NR43E

36 31

1 6

T6N R44E
T5N R44E

T6N R43E
T6N R44E

MESW

NESW

SESW

NENW

Pipeline

FILED
CANNED
FEB 04 2005

PROFILED

NWNW
Irrigated Acres = .8

SWNW
Irrigated Acres = .2

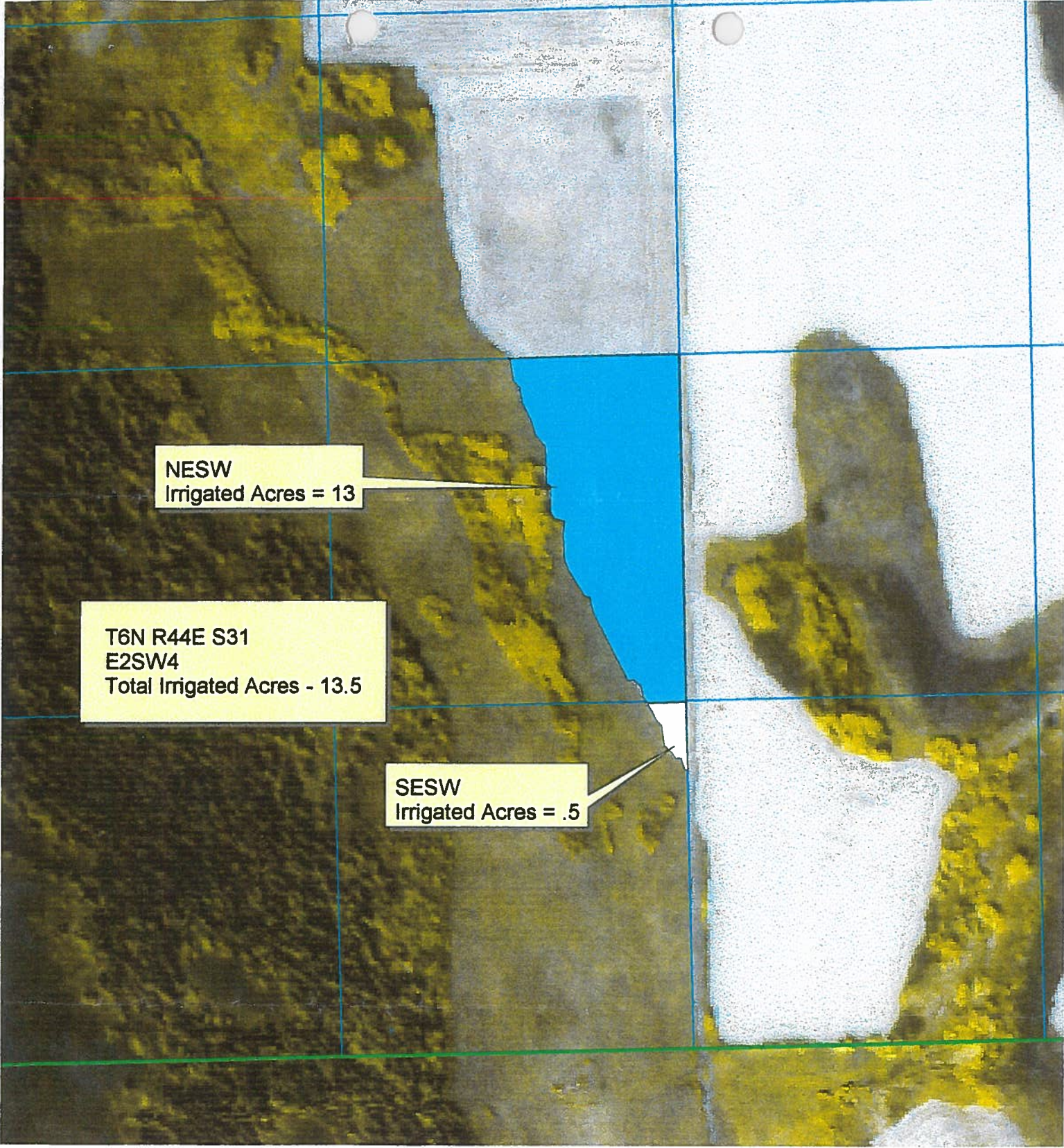
T6N R44E S31
Total Irrigated Acres = 68.3

NENW
Irrigated Acres = 39.8

SENW
Irrigated Acres = 27.5

FEB 04 2005

PROFILE



NESW
Irrigated Acres = 13

T6N R44E S31
E2SW4
Total Irrigated Acres - 13.5

SESW
Irrigated Acres = .5

SCANNED

FEB 04 2005

PROFIT

An aerial photograph of a rural landscape, likely a farm or ranch, with a green rectangular overlay indicating a specific area of interest. The overlay contains a small white shape and a blue shape. A yellow text box is positioned in the lower-left quadrant of the image, containing text about the land parcel. The background shows a mix of green fields, brown soil, and some structures.

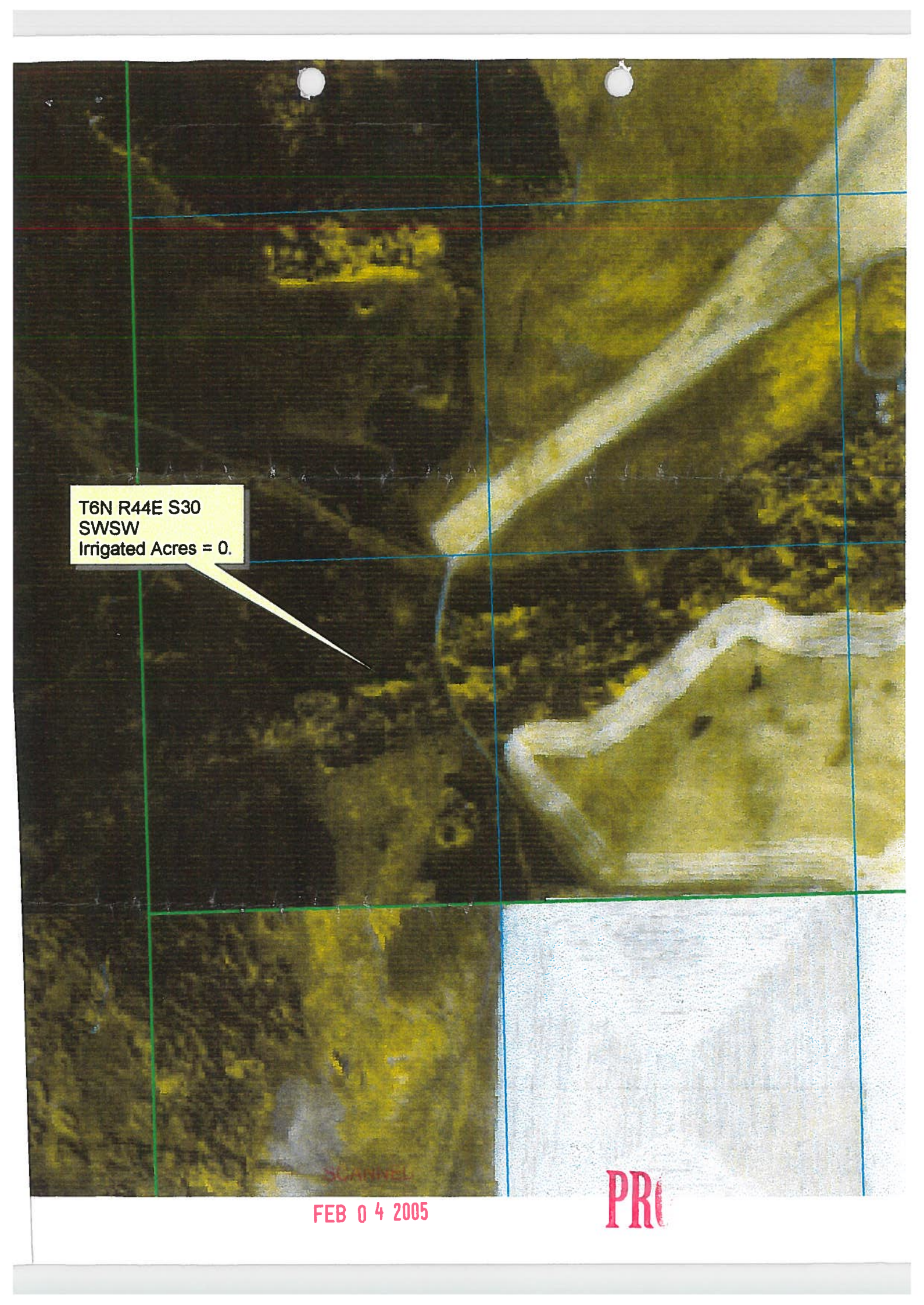
T5N R44E S6
NE4NW4

Irrigated Acres = 26.8

Note: This total includes (.9) acres taken out as nonirrigated—identified in the smaller shapes.

FEB 04 2005

PRO



T6N R44E S30
SWSW
Irrigated Acres = 0.

SCANNED
FEB 04 2005

PRO



22-627

9/16/04 DOR

THE MINGO TRIBAL PRESERVATION TRUST
POD ON MILK CROOK

T.6N., R.43E SEC. 36 S8SWNE

GPS TAG # A0012254 on Harrowheel Frame

SCANNED

FEB 04 2005

PROFILED

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

RECEIVED

MAR 24 2004

Department of Water Resources
Eastern Region

March 23, 2004

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Mingo Tribal Preservation Trust
Claim to Water Right

Dear Jen:

Enclosed is a Notice of Claim to a Water Right in the name of Mingo Tribal Preservation Trust along with our check in the amount of \$218.00 for the filing fee.

Thank you for your kind attention to this matter. If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

Cheri

Cheri Vandermeulen
Secretary for Kent W. Foster

Enclosures

G:\WPDATA\AKWF4887.005 MINGO TRUST\IDWR ltr. 032304.wpd.cdv

SCANNED

FEB 04 2005

PROFILED

Contacts Data Entry Form

Claim Number: 22-627

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: THE MINGO TRIBAL PRES. TRUST Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.DECREED UNDER HOOPER vs LARSON, 6/07/1971. AS: 500' OF MILK CREEK, 7 JUNE 1894

Q: DECREED (1971) AS 500 INCHES OF MILK CREEK - CLAIMS ONLY 169" - why? PCL CLAIMS DOES NOT MATCH THE 1971 DECREED PCL - CLAIMS 168² AC (OK @ 0.02 cts). WHAT HAPPENED TO REMAINDER OF DECREE - THERE IS 331 INCHES / ACRES UNACCOUNTED.

CLAIMS PCL DOES NOT FIT CLAIM MAPS SUGGEST A TYPO ON CLAIM AS SEC. 30 - SHOULD BE SEC. 31 - ACRES FROM MAPS DO NOT FIT ACRES CLAIMED.

9/16/04 CALLED KENT FOSTER - ADVISED CLAIM NOTS AMOUNTED. PCL CLAIMS DON'T MATCH DECREE - I'll send claim over - he'll amount - son

9/17/04 AMOUNTED CLAIM (Pg. 2) RECEIVED - son →

B/W Photo Printed because 87 NAPP is too dark

Reviewer: _____ Date: _____

SCANNED

FILED

FEB 04 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: APRIL 23, 1894 Claimed Basis: DURROB

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

PRIORITY DATE CLAIMED CONFIRMED UNDER 197/DURROB
HOOPES VS LARSON

Reviewer: _____

SCANNED

Date: _____

FEB 04 2005

PROFILED

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
				NENE			

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
				SESWNE	1STON	MULCK	SINKS

Other rights from this POD? AO#12254 ON HAND WHEEL PRAIRIE

Transfers Pending or approved: _____

Document how the POD and Source were verified:HARD BOX IN-STREAM - GATED TO PIPE-
LINE INTAKE TO DAMMING.POD IS NOT IN NENE AS DOCUMENTED/CLAIMED - ITS IN SWNECOND
CP3

Reviewer: _____ Date: _____

SCANNED

FEB 04 2005

PROFILE

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Q:

POU CLAIMED IN SEC. 30 DOES NOT FIT DECIDED
 POU - WHEN DID CHANGE HAPPEN?

WHAT HAPPENED TO LANDS IN SEC. 31? DIFF. OWNER? CLAIM #?

CLAIM REFERENCES A PIPELINE - WHAT ALL / WHO ALL DOES IT SERVE?

Reviewer: _____ Date: _____

SCANNED

PROFILED

FEB 04 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
PR214	4/15	10/15	337	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
PR214	4/15	10/31	255	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOIL to DPT STD - $Q = 127^{\circ} \text{ AC UNDER PIPELINE} \times 0.02 \text{ cfs/AC} = 2.55 \text{ cfs}$

Reviewer: _____

Date: _____

PROFILE

SCANNED

FEB 04 2005

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-627

Date Received _____

Receipt Number _____

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

JAN 12 2009

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) The Mingo Tribal Preservation Trust Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID Zip 83405-0130

2. Date of Priority (Only (1) per claim) April 23, 1894

3. Source of water supply (a) Milk Creek

which is tributary to (b) Sinks

4.a. Location of existing point of diversion is:
Township 6N Range 43E Section 36, 1/4 of NE 1/4 of NE 1/4, Govt. Lot ,
County of Teton

Additional points of diversion if any: _____
If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of 1/4 Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Diversion and intake structure for pipeline

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 3.37 cfs or

7. Total quantity claimed (a) 3.37 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses, describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 22-627
Date Received _____
Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) The Mingo Tribal Preservation Trust Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID Zip 83405-0130
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Township 6N Range 43E Section 36, 1/4 of NE 1/4 of NE 1/4, Govt. Lot ,
County of Teton

Additional points of diversion if any: _____
If Available, GPS Coordinates: _____

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Department of Water Resources
Eastern Region

- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Diversion and intake structure for pipeline

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For Irrigation purposes from 04/15 to 10/15 amount 3.37 cfs or _____

7. Total quantity claimed (a) 3.37 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the table below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	44E	30											4.7						4.7
6N	44E	31					40	21	12	38	18			13					142
5N	44E	6					9.2					1							10.2

Total number of acres irrigated 156.9

10. In which county(ies) are lands listed above as place of use located? _____

11. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

13. Remarks:

14. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number 22-627
Court 7TH District Court, State of Idaho, Fremont County Case Number 6513 Decree Date June 7, 1971
Plaintiff vs Defendant Earl N. Hoopes, et.al. v. Arthur L. Larsen, et.al.

15. Signature(s) For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am Trustee of The Mingo Tribal Preservation Trust, that I have signed the foregoing document in the space below as Trustee of The Mingo Tribal Preservation Trust and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jesse W. Hutton

Title and Organization Trustee, The Mingo Tribal Preservation Trust

Date 10/24/08

Subscribed and sworn (or affirmed) before me this 24th day of October, 2008.



Teresa J. Buchanan
Notary Public for Watauga County, North Carolina
Residing at: Boone, NC
My Commission Expires: 2/24/2013

Trust Name The Mingo Tribal Preservation Trust Ident. Number 22-627

*17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

G:\WPDATA\RLH-Inactive\1887.005 MINGO TRUST\Amended Claim, 082108.wpd.cdv



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

E-MAIL rharris@holdenlegal.com
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

November 5, 2008

Denise Kidman
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

RE: Amended Claim - Mingo Tribal Preservation Trust, Water Right No. 22-627.

Dear Denise:

Enclosed please find the Amended Notice of Claim for Water Right No. 22-627. As I previously emailed you, I had failed to get this motion filed with the Department. We inadvertently sent the claim to the wrong client address, but now that that has been cleared up, we have received the Amended Notice of Claim. We understand that you have proposed a shape file for this water right, and my client is currently reviewing it. We will let you know as soon as we hear from them as to whether or not the shape you have proposed is acceptable.

If you have any questions, please let me know. I appreciate your assistance with this matter.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosure

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Department of Water Resources
Eastern Region

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDepartment of Water Resources
Eastern RegionIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-627

Date Received _____

Receipt Number ED29649NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) The Mingo Tribal Preservation Trust Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130, Idaho Falls, ID Zip 83405
2. Date of Priority (Only (1) per claim) April 23, 1894
3. Source of water supply (a) Milk Creek
which is tributary to (b) Sinks
- 4.a. Location of existing point of diversion is:
Township 6N Range 43E Section 36, 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____,
County of Teton
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Diversion and intake structure for pipeline
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 04/15 to 10/15 amount 3.37 cfs or _____
7. Total quantity claimed (a) 3.37 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

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FEB 04 2005

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9. Non-irrigation uses; describe fully. g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	44E	30					39.8	25.8	15.2	27.5	13			20.5					141.8
5N	44E	6					26.8												26.8

Total number of acres irrigated 168.6

11. In which county(ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No **See attached copy of Warranty Deed**
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 22-627
Court 7th District Court, State of Idaho, Fremont County Case Number 6513 Decree Date June 7, 1971
Plaintiff vs Defendant Earl N. Hoopes, et.al. v. Arthur L. Larsen, et.al.

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am TRUSTEE of _____ (Title)

THE MINGO TRIBAL PRESERVATION TRUST, that I have signed the foregoing document in the space below as (Organization)

TRUSTEE of THE MINGO TRIBAL PRESERVATION TRUST and that the statements contained in the (Title) (Organization)

foregoing document are true and correct.

PROFILE

SCANNED

FEB 04 2005

Last Name The Mingo Tribal Preservation Trust Ident. Number 22-627

9. Non-irrigation uses; describe full use. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	44E	~~31~~ 30					40 39.8	24 25.8	12 15.2	35 27.5	16 13			05 20.5					141.8
5N	44E	6					26.8												26.8

Total number of acres irrigated 168.6

11. In which county(ies) are lands listed above as place of use located? Teton
12. Do you own the property listed above? Yes X No See attached copy of Warranty Deed
If your answer is No, describe the authority you have to claim this water right.
13. Describe any other water right for the same purposes as described above.
_____ or None ()

14. Remarks:

Amended *N. Foster, Atty*

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 22-627
Court 7th District Court, State of Idaho, Fremont County Case Number 6513 Decree Date June 7, 1971
Plaintiff vs Defendant Earl N. Hoopes, et.al. v. Arthur L. Larsen, et.al.

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

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SEP 17 2004

Department of Water Resources
Eastern Region

For Organizations: I do solemnly swear or affirm that I am TRUSTEE of _____ (Title)

THE MINGO TRIBAL PRESERVATION TRUST, that I have signed the foregoing document in the space below as (Organization)

TRUSTEE of THE MINGO TRIBAL PRESERVATION TRUST and that the statements contained in the (Title) (Organization)

foregoing document are true and correct.

Last Name The Mingo Tribal Preservation Trust Ident. Number 22-627

PROFILE

FEB 04 2005

[Signature]

Signature of Authorized Agent

[Signature]

Title and Organization

TRUSTEE OF MINGO TRIBAL PRESERVATION TRUST

Date

3/22/04

State of Idaho

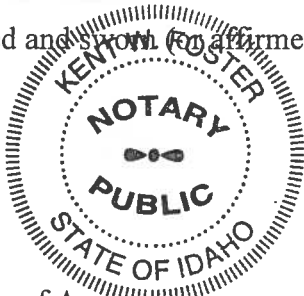
)

) SS.

County of BONNEVILLE

)

Subscribed and sworn to and affirmed before me this 22 day of MARCH, 2002.



Notary Public

[Signature]

Residing at

IDAHO FALLS, ID

My Commission Expires

11/20/2004

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

[Signature]

Address

450130, IDAHO FALLS, ID 83405

Date

3/22/04

G:\WPDATA\KWF\4887.005 MINGO TRUST\Claim 22-627 wpd.cdv

PROFILED

SCANNED

FEB 04 2005

Last Name The Mingo Tribal Preservation Trust Ident. Number 22-627

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-627
Date Received: 3/25/2004
Receipt No:
Received By: E029649
KF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

THE MINGO TRIBAL PRESERVATION TRUST Phone: (208) 523-0620
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID USA 83405

2. Date of Priority: 04/23/1894

3. Source: MILK CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	43E	36	NE NE	TETON	

5. Description of diverting works:

DIVERSION AND INTAKE STRUCTURE FOR PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	3.37	

7. Total Quantity Appropriated is:
3.37 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	44E	6	NE NW (3)	IRRIGATION	26.8
				Section Acres	26.8

06N	44E	30	NE	NW	IRRIGATION	39.8
			NW	NW	IRRIGATION	25.8
			SW	NW	IRRIGATION	15.2
			SE	NW	IRRIGATION	27.5
			NE	SW	IRRIGATION	13
			SE	SW	IRRIGATION	20.5
					Section Acres	141.8
					Total Acres	168.6

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed