

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: 29-13626

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. 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; and 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. The parties and IDWR indicate their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT:

Carma B. Smith 8/30/04
Thomas J. Holmes Date
Attorney for Carma B. Smith

OBJECTOR:

Joanette Wolfley 9/18/04
Joanette Wolfley Date
Attorney for the Shoshone-Bannock Tribes

IDWR CONCURRENCE:

Ernie Carlsen 10/25/04
Ernie Carlsen Date
Adjudication Supervisor, IDWR

Candice M. McHugh 10/25/04
Candice M. McHugh Date
Attorney for IDWR

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

RIGHT NUMBER: 29-13626

NAME AND ADDRESS:

CARMA S SMITH
5137 W PORTNEUF RD
INKOM ID 83245

SOURCE:

Source:
PORTNEUF RIVER

Tributary:

SNAKE RIVER

QUANTITY: 0.600 CFS 0-900-CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.45 CFS. COMBINED RIGHT NOS.: 29-04156,
29-13626, and 29-13627.

PRIORITY DATE: 06/26/1869

06/24/1867

POINT OF DIVERSION:

T07S R35E S24 NWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.600 CFS 0-900-CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T07S R35E S23 SESE 6.0

T07S R35E S23 NESE 0.4

T07S R35E S23 SESE 13.6

T07S R35E S24 NWSW 3.4

T07S R35E S24 NWSW 14.0

T07S R35E S24 SWSW 24.0

T07S R35E S24 SWSW 32.6

T07S R35E S24 SWSW 1.9

30 ACRES TOTAL

72.7-ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04156, 29-13626, and 29-13627.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 72.7 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-04156, 29-13626, and 29-13627.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SP5

Water Right No.: 29-13626

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Other Stipulations of Parties: The place of use of water is limited to the Allotment and will not be transferred.

Carma S. Smith
10-18-2014

CERTIFICATE OF MAILING

I certify that on Oct 28, 2004 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

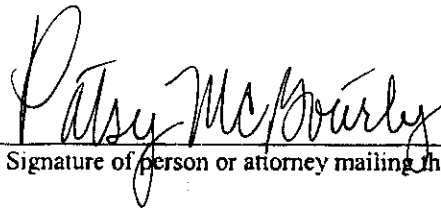
2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

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

Thomas J. Holmes
Attorney for Carma B. Smith
P.O. Box 967
Pocatello, ID 83204-0967

Jeanette Wolfley
Attorney for Shoshone-Bannock Tribes
202 N Arthur
Pocatello, ID 83204


Signature of person or attorney mailing the form