

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

SUBCASE NO: 29-13627

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
Attorney for Carma B. Smith
Date

OBJECTOR:

Jeanette Wolfley 9/07/04
Jeanette Wolfley
Attorney for the Shoshone-Bannock Tribes
Date

IDWR CONCURRENCE:

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

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

CERTIFICATE OF MAILING

I certify that on Oct 29, 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

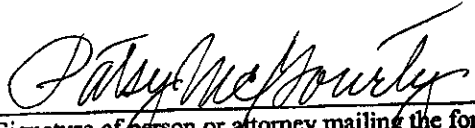
2. Copies to:

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

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

RIGHT NUMBER: 29-13627

NAME AND ADDRESS:

CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245

SOURCE: Source:
PORTNEUF RIVER

Tributary:
SNAKE RIVER

QUANTITY: 0.250 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: 04/01/1926

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

0.250 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T07S R35E S23 NESE 7.8

T07S R35E S23 SESE 7.3

T07S R35E S24 NESW 3.5

T07S R35E S24 NWSW 14.0

T07S R35E S24 SWSW 8.4

T07S R35E S24 SESW 1.8

~~T07S R35E S23 NESE 9.4~~

~~T07S R35E S23 SESE 13.0~~

~~T07S R35E S24 NESW 3.4~~

~~T07S R35E S24 SWSW 22.0~~

~~T07S R35E S24 SESW 1.9~~

42.8 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 12.7 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

*gw
bry fme*

EMC

SM