

**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. 29-13693
) (FORMERLY WATER RIGHT NO.
) 29-4215)
)

) 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.

As a result of settlement, water right no. 29-4215 has been split into water right nos. 29-13692 and 29-13693. Therefore, the parties IDWR agree and stipulate that water right no. 29-11693 should be described per the attached. The parties and IDWR have further indicated their concurrence by their signatures below and by initialing the attached page.

CLAIMANT:

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

OBJECTOR:

Jeanette Wolfley 9/07/04
Jeanette 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

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

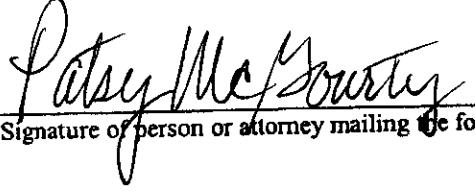
2. Copies to:

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

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

RIGHT NUMBER: 29-13693

NAME AND ADDRESS: CARMA B SMITH
5137 W PORTNEUF RD
INKOM ID 83245

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.194 CFS

PRIORITY DATE: 06/01/1944

POINT OF
DIVERSION: T07S R35E S21 SESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.194 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S21 SWNE 9.7

9.7 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 - Beneficial Use

This right is a split from former right 29-4215.